



County Planning Committee

Date Tuesday 6 September 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the Meeting held on 5 July 2022 and Special Meeting on 26 July 2022 (Pages 3 - 28)
5. Applications to be determined
 - a) DM/21/03574/OUT - Land At Sniperley Park, West Of The A167 And North And South Of The B6532, Durham (Pages 29 - 78)

Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping
 - b) DM/21/02360/FPA - Land North And East Of Sniperley Farm, Durham, DH1 5RA (Pages 79 - 130)

Hybrid planning application consisting of outline planning permission (all matters reserved) for an extension to the Sniperley Park and Ride and full planning permission for the development of 370 dwellings associated access and works and demolition of former farm buildings

c) DM/21/02849/OUT - Land To The West Of Valley Road, Pelton Fell, DH2 2NN (Pages 131 - 164)
Outline application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (revised description)

d) DM/22/00120/FPA - Land South Of Spennymoor Electricity Substation (south), Thinford Lane, Thinford, DH6 5JX (Pages 165 - 194)
Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works

6. 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
26 August 2022

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

Councillor G Richardson (Chair)
Councillor A Bell (Vice-Chair)

Councillors D Boyes, J Higgins, C Hunt, P Jopling, C Marshall, C Martin, M McKeon, B Moist, P Molloy, I Roberts, K Shaw, A Simpson, S Wilson and S Zair

Contact: Kirsty Charlton

Tel: 03000 269705

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 5 July 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, C Hunt, P Jopling, C Marshall, C Martin, M McKeon, B Moist, P Molloy, I Roberts, K Shaw, A Simpson and S Zair

1 Apologies for Absence

An apology for absence was received from Councillor Higgins.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillors C Marshall and K Shaw declared an interest in Agenda Item 5 (a) as they had been involved with the development of the new Headquarters building under the previous administration and would withdraw from the meeting during consideration of this Item. Councillor M McKeon added that she had made reference to the new Headquarters building in her election material and would also withdraw from the meeting.

4 Minutes of the meeting held on 7 June 2022

Councillor Molloy informed the meeting that the final paragraph of minute 5 (c) should read 'This was a brownfield site and he had received no representations on the proposals.'

The minutes of the meeting held on 7 June 2022 as amended were agreed by the Committee as a correct record and signed by the Chair.

5 Applications to be determined

- a DM/22/01005/FPA - The Waterside Building, Riverside Place, Durham, DH1 1SL**

The Committee considered a report of the Principal Planning Officer regarding an application for the change of use of office headquarters (sui generis) to higher education (Durham University Business School) (Use Class F1a) at The Waterside Building, Riverside Place, Durham (for copy see file of Minutes).

C Teasdale, Principal Planning Officer provided a detailed presentation on the application which included a site location plan, aerial photograph and site photographs. The Principal Planning Officer advised that since publication of the report there had been three additional representations including a representation from Durham County Council Labour Group.

Prior to addressing the Committee to object to the application, Mr Southwell, local resident requested that the meeting be deferred. It was one of the most important County Planning meetings to have ever been held and one Member had submitted apologies, three Members had declared interests and left the meeting giving a total of four Members of the Committee who were not in attendance for the item. Substitutes should have been approached. N Carter, Planning and Development Solicitor advised there was no legal basis for a deferment because the Committee was quorate.

Mr D Southwell, local resident, addressed the Committee to object to the application. Prior to outlining his reasons for objecting to the application Mr Southwell explained to the Committee the meaning of democracy and reminded the Committee of the seven principles of Public Life, the Nolan Principles.

In April, 2019, a Planning Application from Durham County Council was considered by the County Planning Committee and Mr Southwell spoke in support of the application as a resident who had a wealth of experience of the site. At that meeting the Deputy Chief Executive, a Business Representative and the Architect all spoke in support of the application. Mr Southwell informed the Committee he had not been approached by any political party to speak in support of the application.

Although there were also speakers against the application the Committee voted for approval. The Secretary of State was asked by Durham County Council if he wanted to inspect the application and approval and he declined to do so.

In May 2021, following the local elections, there was a change of political power at Durham County Council and the then ruling Group lost control to a Joint Administration of Councillors. The Joint Administration had never asked the residents their thoughts on the new Headquarters in Durham, and Mr Southwell considered they were just playing politics.

Statements had been made by Councillor Bell, Councillor for Barnard Castle, that the Building was fit for purpose but in the wrong place. This point was discussed at the Meeting in April, 2019 and the site was agreed to be fit for purpose.

Some Cabinet Members had made comments regarding comments made by residents and Mr Southwell asked whether residents had been given all the facts and advantages of the site by having the staff work there?

Residents were fed up of the Joint Administration and they would have no respect for the County Planning Committee if it approved this application from the University.

Over 800 residents had been contacted with a return of 2 plus Mr Southwell. One was for and one was against the application for the change of use

Previous to this application from Durham University approximately 3 years ago Durham University lodged plans with Durham County Council Planning Department for a new build on the old swimming pool site and car park for a Business School and this application was still pending. The application today cherry picked what the University wanted from what was approved in April, 2019.

The University stated that they did not require planning permission for internal alterations and Mr Southwell suggested it would be dismantled.

The number of students and staff who would occupy the building was three times the number of people who would occupy the building if occupied by the County Council staff. There were approximately 2000 students and staff at the Sixth Form Centre and when added to university students, Passport Office staff and visitors to the Passport Office, the numbers would exceed 5000.

The application was weak in content and it should not be forgotten that the majority of students and staff had to get across the City.

Nothing had changed with the application for the new build for Durham County Council at the Sands at Durham, apart from a late application regarding Common Land, which had been approved. The building and car park were both now completed.

Mr Southwell urged the Committee to reject this change of use application and send a message to the Joint Administration that the Committee stood by its original decision of April 2019. If the Committee approved the application the building would be sold and Durham County staff would be Nomads for

ever. Durham County Council would never have a fit for purpose headquarters which would be a poor legacy for this historic Durham County Planning Committee. If the Committee did not refuse the application the proposed redevelopment of the Aykley Heads site could be delayed by three years and this would impact on employment opportunities.

Professor O'Malley, Pro-Vice Chancellor (Global) of Durham University addressed the Committee in support of the application for the relocation of Durham University Business School from Mill Hill Lane to the Sands.

Professor O'Malley hoped that Members would agree that Durham University was a jewel in the crown of County Durham. It was the third oldest university in England with a 200th anniversary in 2032. It was a global world-class university with over 120 countries represented amongst staff and students and it was Durham's university supporting local jobs, young people, schools and businesses. The latest study showed the university to be worth £400m to the County Durham economy every year, supporting nearly 7,000 local jobs. This was based on 2014/15 figures and would be worth significantly more than this now. In addition staff and students were active in the local community giving 35,000 hours a year in volunteering, in support of charities and good causes.

Durham University Business School was central to the universities success and was playing a key role in the regeneration of County Durham. It was world ranked, in the top 50 of Business Schools in Europe and had 38,000 alumni in 140 countries. These were all ambassadors for County Durham in businesses worldwide.

The Business School was currently worth £83m a year to County Durham and supported approximately 600 jobs. The university was looking to relocate the Business School to the Sands area to provide an attractive work and study environment for academics and students and to attract leading business partners.

The application site had a great location close to transport hubs and the City centre. An independent report by BiGGAR Economics had calculated that the relocation would be worth nearly £30m a year to County Durham by 2032 and would support an extra 170 jobs. The internal refit of the building to support the change of use would bring local investment and employment.

Durham University was working in a competitive global environment with huge investment in universities in Asia, Europe and America. Durham University Business School needed a new home so it could continue to thrive and compete successfully in this global marketplace.

In preparing the application the University had consulted extensively with statutory bodies and with local community stakeholders. The application was not about increasing student numbers at the Business School, it was about providing excellent facilities for an excellent faculty.

The Business School had quite a different demographic to other faculties. Many more of its students were post-graduates and mature students, often well in to their careers, sometimes at an executive level and chiefly international.

Council officers had reviewed the application and based on planning policy had recommended support. Durham University Business School aimed to ensure that more Durham University graduates stayed in the north-east and started new businesses, boost productivity, raise income levels and reduce unemployment. Professor O'Malley hoped this was a vision which everybody supported and hoped that the Committee would support the application to help to achieve this vision.

Councillor Boyes sought clarity on the numbers using the building on a day to day basis and at any one time, as this was not clear from the report.

Professor O'Malley replied it was difficult to say how many would be using the building at any one time as the Business School had a complex timetable and students would only be in for the hours scheduled for them. It was not anticipated the building would be full of the 2,000 students all of the time. The same applied to staff who may be out making partnerships with local businesses for example.

Councillor Boyes informed the Committee that in view of the uncertainty of the numbers who would be using the building at any one time in a building which was built for 700 council staff, with 2,500 plus people now being mentioned, he was concerned at the effect this may have on the City centre and the City of Durham Trust had expressed concerns about flooding issues. Councillor Boyes **moved** that the application be deferred. **Seconded** by Councillor Roberts.

The Chair considered that Professor O'Malley had answered the question as fully as she could, there would be up to 2,500 students within any given time but they would not all be there at any one time.

Councillor Jopling considered that the building when built had a capacity and would have been underused by the Council. The application could only benefit the University and the Council. Councillor Jopling could not understand the flooding argument and asked whether the County Council had built a building in the middle of Durham and not looked into this prior

under the previous administration? Stringent measures regarding flooding were taken during the construction of the building.

Councillor Martin was unsure what more the Committee would get from deferring the application. While understanding Councillor Boyes point of view that the numbers using the building at any one time was unknown, this was the nature of university buildings. The Committee knew the absolute capacity of the building and Councillor Martin informed the Committee he would be voting against the deferment.

Councillor A Bell considered that the case officer would have looked at projected numbers in the building to ensure these were within the capacity of the building. With reference to the footfall, these would be students who were already in Durham but moving to another building. A positive of the application was the decreased number of vehicles which would be using Providence Row and Councillor Bell **moved** approval of the application. **Seconded** by Councillor Hunt.

The Planning and Development Solicitor clarified that there were two motions, one for deferment of the application and one for approval. Before taking a vote on deferment the Planning and Development Solicitor sought clarity on what the purpose of this was. It had been stated that the Committee would want further and better information as to the number of students in the building at any one time but the Planning and Development Solicitor was unsure whether any better information could be provided. The capacity of the building in terms of its maximum numbers was known and the applicant had stated it would be difficult to predict exactly how many students would be there at any given time. The Planning and Development Solicitor then asked whether this information would make any difference. Officers had assessed the application on the basis of the maximum number of students that could be present and had recommended the application for approval.

The Principal Planning Officer added that the applicant had been clear about the number of students that were expected and this had been out to consultation. In terms of flooding this had been considered and the Environment Agency had no objections to the application.

The Committee took a vote on the motion to defer the application and this was **lost**.

Upon a further vote being taken it was

Resolved:

That the application be approved subject to the conditions contained in the report.

Councillors Marshall, McKeon and Shaw re-joined the meeting.

b DM/21/03420/FPA - Land At Croup Hill South Of Beaconsyde Farm, Broadoaks, Murton, SR7 9SF

The Committee considered a report of the Senior Planning Officer regarding an application for the installation and operation of a ground mounted photovoltaic solar farm, inclusive of solar arrays, transformers, substation, landscaping, fencing, internal access tracks, access, CCTV and other associated works on land at Croup Hill south of Beaconsyde Farm, Broadoaks, Murton (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site layout and site photographs.

Councillor Penman of Murton Parish Council addressed the Committee to object to the application.

Murton was a rural area and it was felt this development would have a negative impact on all aspects of the environment and was also an encroachment onto open countryside.

As an area of high deprivation, many residents looked at this area as part of their countryside to enjoy as it had been for centuries. Not everybody had the transport or the means to travel outside the area to enjoy the outdoors and open countryside.

The 100 acre size of the proposed development was very overwhelming in relation to the size of the village. It sat on cultivated undulating land and government guidance advised that solar sites of this nature should be located on flat land.

The proposal would have a negative visual impact for residents who lived close to it, along with people walking, cycling, running and other leisure uses. The sheer size of the development and undulating land would make it impossible to screen sensitively, which could be seen in the applicants viewpoint analysis.

The development would sit upon a network of public rights of way and residents who used these footpaths would be subjected to at least half a mile of tunnelled/fenced walkways while running, walking or cycling. Some walkers had advised that they would not walk alone through the enclosed fenced area in fear of crime and of feeling claustrophobic. Some residents

would therefore lose this recreational amenity which could impact on their mental and physical wellbeing.

Research had shown there was a risk of panels coming loose and blowing off due to high winds which were now common due to climate change with examples of this happening in the Teesside area and Fox Cover Industrial Estate in Seaham. This would put nearby public and property at risk of damage or injury. There had also been incidents of fire in these developments which could lead to toxic smoke, which could endanger all aspects of life in the surrounding area.

Wind operating noise had been measured and was deemed to be below acceptable levels, however, wind noise had been taken into consideration and could be a nuisance to residents.

The agricultural land the development was on had been cultivated over the years producing crops for the food chain, the development would change the land use at a time when there was a world crisis on food supplies. The land was graded as ALC3 which sat between moderate and good quality whereas the applicant had graded it as poor quality.

This proposed commercial development was driven by financial gain for both the applicant and the landowner with disregard for the residents of Murton and the land and amenity users. National Planning Policy and Guidance advised that meeting energy needs and targets should not be used to justify the wrong development in the wrong place.

Councillor Penman hoped the Committee would give consideration to these concerns when considering the proposal.

Councillor Adcock-Forster, local Member addressed the Committee to object to the application.

Councillor Adcock-Forster informed the Committee that whilst this proposed development stretched over the parishes of Murton and South Hetton, he was representing the views of Murton residents.

From initial consultation briefings, site meetings, to the submission of the planning application Councillor Adcock-Forster had a keen interest in this proposal. He supported renewable energy and recognised the carbon reduction targets set by Durham, however, having taken the time to view the site from all angles, he concluded a development of this size would cause significant harm to the character, quality and distinctiveness of the landscape. This was echoed by officers stating, in the short-term, harm would be caused to the intrinsic character and beauty of the landscape and

Councillor Adcock-Forster questioned how planting would mitigate this harm in the medium term.

Councillor Adcock-Forster asked whether it was concluded that there would be limited but not unacceptable harm to the character and beauty of the existing countryside in accordance with County Durham Plan Policy 10. Councillor Adcock-Forster asked what 'mitigate the harm caused to some degree' was and how this was measured. He also asked how long the medium term was. To effectively screen the area, given the steep incline, would require forest trees to be planted that would take decades to grow and screen.

In mitigating this harm the applicant proposed additional planting and the protection and enhancement of hedgerows within the development site in accordance with requirements of the County Durham Plan Policy 40. Notwithstanding this, however, it was considered the proposal would be in conflict with CDP Policy 39 and Part 15 of the National Planning Policy Framework.

Councillor Adcock-Forster asked how planting hedgerows would screen the panels, given the steep incline. The panels would be clearly visible from many properties in the village and would not only turn unspoilt countryside into a mass of glaring glass but turn vital agricultural land into an industrial site. Those people living next to the site would experience landscape harm as a constant, rather than passing impact.

The application contravened several of the guidelines set out by the Government not least to avoid developments on sloping undulating sites to minimise visual impact, something that this north facing development would go against. The fact the development was on such a gradient would cause great difficulties in any screening attempts. The Council's Landscape Officers report considered the proposals would cause unacceptable harm to the character and quality of the landscape, however, it was considered this harm would reduce over time. Councillor Adcock-Forster questioned who considered this harm would reduce over time and how long was that predicted to be.

Councillor Adcock-Forster also had concerns about the access to the site and the potential disruption caused by the high volume of HGVs. Should access be from the A19 and through Jade Business Park consideration needed to be given to what affect this would have upon businesses and Phases 2 and 3 of the development. Murton already had problems with the volume and speed of traffic along the B1285 which also had load restrictions. Any visitor to Dalton Park on busy days and bank holidays would be aware that traffic backed up onto the A19 which was a road safety issue.

The development would cause unacceptable landscape harm in conflict with CDP Policies 10 and 39 but it was also considered the benefits of the proposal outweighed the harm. Councillor Adcock-Forster questioned how a development which directly conflicted with CDP Policies could be acceptable. In conclusion, there were a number of factors which must be considered by the Committee, not limited to the development on undulating land, the huge impact on landscape with the loss of visual and social amenity, the close proximity to housing and the impact upon wildlife.

The Government's Ten Point Plan for a Green Industrial Revolution pointed to a plan for offshore wind energy to be sufficient for all the country's household demand by 2030. This policy itself severely weakened the case for solar farms.

Councillor Adcock-Forster was of the opinion that the given the magnitude and scale of this particular development it should not be sited in its proposed location. Sites such as Murton with its adverse visual impact, an impact which could not be mitigated and an impact that would blight the amenity of current and future generations should be refused.

Councillor Adcock-Forster asked the Committee to refuse the application.

Councillor Griffiths, local Member addressed the Committee to object to the application.

Councillor Griffiths referred to the site visit undertaken by Committee Members and hoped they were able to take the opportunity to witness the beautiful landscapes on offer.

Murton residents treasured their countryside. The landscape offered great amenity to the community in terms of walks, plant and animal life. The availability and value of this amenity was ever more evident following the onset of the Covid Pandemic, allowing residents to enjoy outside exercise in a green space within their own area of residence. The area had high rates of poor health and social deprivation and the ability to exercise freely was vital. This was highly recommended by medical professionals, not only for physical and emotional wellbeing but more importantly for mental health.

This proposal would destroy the landscape and amenity by covering the area with solar panels together with the associated security installations such as high fences. The construction period would also see public rights of way closed with leisurely and enjoyable walks replaced with a narrow corridor of high fenced industrial landscape, which was not the relaxing experience enjoyed for generations by Murton residents.

The proposed development would create an unacceptable impact on health, living or working conditions or the natural environment and the loss of such social amenity which had been enjoyed by residents for generations would impact on the mental health of local residents. To suggest there would be no impact on resident's health and wellbeing was ludicrous.

Paragraphs 143 to 147 of the Committee report addressed Public Rights of Way. Resident's concerns were dismissed but there was no mention of the corridors created by fencing and planting which would present a risk, particularly to women, walking in the area. In such a restrictive and confined space the dangers of being confronted with a potentially unfriendly encounter increased and escape options were greatly reduced. Members of a local walking group had already indicated if the planning application was approved, they would no longer use the area in question due to concerns about safety. This was echoed by the parents of the children of a children's group, who also used the area.

Paragraph 142 considered that the proposed site would not impact upon any nationally or locally protected sites or species, but nesting birds like Larks and Lapwings would experience habitat displacement. These birds required clear lines of sight to select nesting ground. This proposal sat right on existing ground so these birds could be lost to the community.

The application had generated some public interest. Notwithstanding the poor consultation efforts, the fact is there had been a massive public objection based on solid fact arguments, none of which had been successfully addressed in the Planning Officer's report or by the applicant.

Councillor Griffiths asked the Committee to refuse the application.

Dr D Brown of Murton Residents Group addressed the Committee to object to the application.

Dr Brown acknowledged and commended to the Committee all of the submitted objections by Murton residents, in particular the report produced by the Murton Residents Action Group, the Parish Council and the Campaign for the Protection of Rural England all of which presented a fact-based very powerful and compelling case for the refusal of this application.

The Committee had already refused two applications for solar panel farms at Sheraton and Hett on the grounds that they would impact on landscape and ecology. This application was riddled with landscape issues and implications and many ecological issues. Much had already been said about landscape issues.

Dr Brown informed the Committee he had been in discussion with the National Grid in respect of the Scotland/England green link which had national strategic importance and would go ahead and there were no objections from Murton residents to this development which would include imposing buildings on the landscape. Thousands of homes across County Durham and elsewhere would benefit from green energy production but the most important point was it would make a very significant contribution to Durham County Council's carbon footprint reduction target. Because of this, Murton residents should not be asked to contribute further by accepting a solar panel farm which was not necessary and did not fit.

Referring to the ecological implications Dr Brown informed the Committee that there was a scarcity of peer-reviewed research on the medium to long term impacts of solar panel farms. Dr Brown referred to literature he had obtained from ESG Ecology which highlighted the potential adverse effects of solar panel farm installations. Dr Brown referred to Skylarks and Lapwings which were very prevalent in the area. The applicant maintained that nesting sites would be accommodated within the confines of the solar panel arrays thus avoiding bird habitat displacement, but these were ground nesting birds which required a very clear line of sight. The installation of solar panel arrays would take away this clear line of sight and there was a real danger these birds would be lost to the area.

Dr Brown asked the Committee to not approve the application.

Mr Ron Winn, local resident addressed the Committee to object to the application.

Mr Winn considered that support for solar PV should ensure proposals were appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity and provide opportunities for local communities to influence decisions that affected them.

The report produced by the Council's Landscape Officer stated that in all aspects the site was not suitable for this proposal. His summary stated that throughout the 35 year period the proposal would cause harm to the character, quality and distinctiveness of the local landscape. It also stated that it was unlikely that the harm could be reduced other than by design change. Mr Winn's opinion was the change would need to be major or a complete rejection of the proposal.

The report further stated that the application would conflict with CDP Policies 39, 10 and 40, and this alone should be enough to reject the proposal.

Mr Winn referred to the increase in wind noise and acceleration on the already windy terrain. No desk based report could reflect what people knew and experienced living on this already windy landscape. Mr Winn considered

that his experience as a yachtsman completing many transatlantic passages, dealing with up to force 10 gales and tropical storms would make him more qualified to comment on wind strength and damage than the author of a desk-based appraisal. Local solar arrays had suffered major damage during the past northerly gales and on protected sites that were south facing.

There was not a way to shelter the panels, visually or from the elements, on this proposed site because there was no way to protect the panels with trees, hedging or natural landscape.

The location was wrong in every aspect and only benefitted the developer.

This proposed site was valuable, inter-village green space which would be grossly and adversely affected for generations and would effectively return the area to an industrial landscape.

During Prime Ministers Questions last week, James Gray cited Ukraine and a world food shortage and identified the use of productive agricultural land in the UK for solar farms as disgraceful. There was an agreement on both sides of the House that there should be fewer solar farms and battery storage solutions and agriculture and food production increased. He also said that "The notion that solar farms can be good for biodiversity is complete nonsense" adding that the right approach would be to copy other parts of the world with solar panels on every factory roof and massive areas in town centres.

Mr Winn asked if the application was approved and accidents were to happen from the development who residents would turn to for compensation.

Mr Winn asked the Committee to reject the application in favour of the communities who would suffer the consequences of it.

Mr Chris Featonby, UK Development Manager at Aura Power addressed the Committee in support of the application.

Aura Power's mission was to tackle the climate crisis, enhance the natural environment and provide benefits to the communities that lived near to solar farms.

The company had worked closely with the County Council's planning officer, with statutory consultees and the local community to produce a planning application which complied fully with local and national planning policy. This had been confirmed by Council officers and technical consultees who had raised no objections to the proposals.

Durham County Council had the laudable ambition to cut its carbon emissions by 80% by 2030 and be carbon neutral by 2045. This solar farm would make an important contribution to help achieve those goals. It would generate enough clean electricity to power 17,000 homes and save over 15,000 tonnes of carbon dioxide a year compared to electricity generated by gas.

It would therefore help tackle the climate crisis. Importantly, it would also help boost the UK's energy security and contribute to energy independence. The recent hike in gas prices due to the Ukraine war meant that 40% of homes were facing fuel poverty this winter. Solar energy was the cheapest new form of power generation, was free from subsidies, and was helping to reduce energy prices for everyone.

The key requirement for any solar farm was a connection to the electricity grid. Aura Power had secured a grid connection at Hawthorn Pit substation, immediately to the south of the proposed solar farm. Grid capacity was becoming increasingly finite, the company hoped it would be able to take this opportunity to produce green electricity at this location. There were also already seven power transmission lines crossing the site. Indeed, this area had been associated with energy production for generations. Now, as the UK moved away from fossil fuels to a brighter renewable future, this project had been designed to bring many benefits to the local area.

Aura Power had consulted extensively with the local community and taken their feedback into account in the site design process. To reduce the visual impact 40 acres of panels were removed from the areas closest to Murton and the set back from the closest house in Murton had been increased to 450m. This meant it was nearly half a kilometre away from the houses in Murton.

More tree belts and new hedges had been added to improve screening. The new planting would include semi-mature and fast-growing species for immediate impact.

The proposed development was entirely on grade 3b land. Areas of grade 2 land were deliberately excluded from the development. It would therefore not result in the loss of any best and most versatile land in line with planning policy. It would use just 0.03% of County Durham's total agricultural land while providing numerous other benefits.

Sheep would be able to graze under and around the panels so the land would continue to contribute to food production. It was a temporary development and after 35 years all the infrastructure could be safely removed and the panels would be recycled. Due to the soil having been

rested allowing natural carbon sequestration, the land would return to farming in better condition than before.

The UK was also facing an ecological crisis, and the solar farm would make a very substantial contribution to biodiversity. Aura Power had included plots for skylarks and lapwings in the design and would be sowing grassland and wildflowers. Along with the new trees and hedges which would be planted this would result in an impressive biodiversity net gain of 120%. This was 20 times higher than the 10% requirement of the Environment Act.

Chloe Hood, Communications Manager at Aura Power addressed the Committee in support of the application.

Aura Power had consulted widely with the local community and Chloe had personally attended several meetings with both local residents and the Parish Council to listen to their views, which had been taken into account in the application.

Aura was very proud of its community benefits package which was more generous than any other solar developers in the area were offering.

A voluntary annual community benefit fund of £17,500 per year would be set up, linked to inflation, for the operational life of the solar farm. This fund offered a wonderful opportunity to provide financial help to local households and businesses at a time of rising energy costs and the cost of living.

The next generation would bear the impacts of climate change and the proposed community benefits package also included an educational programme. This would fund school visits to the solar farm and educational sessions all linked to the national curriculum.

The footpaths and bridleway which crossed the site would all be retained, so local residents could continue to have access to green space. The footpaths and bridleway would be improved with the installation of stiles which would prevent illegal motorcycles from using them and improve safety for walkers. New hedges and trees would help to screen the panels from public rights of way and would be adequately spaced to avoid tunnelling effects..

The solar farm would give rise to jobs not only during construction but for ongoing maintenance and land management and local suppliers would be prioritised.

In summary, Hawthorn Pit solar farm would continue the area's proud tradition of energy generation but this would be done in a clean, sustainable way that future generations could be proud of. The solar farm would be an example of multiple land use and would provide multiple benefits. It would

generate clean energy, tackling the climate crisis, continue to be used for agriculture, support local farming and would offer an enormous increase in biodiversity, tackling the ecological crisis.

Ms Hood hoped that councillors would follow their officer's recommendation and approve the application.

Councillor Hunt sought further detail on access to the site which was stated would be through a bridlepath and that signage would be erected. Mr Featonby replied that there were two potential access routes, one of which Aura had land rights over along the bridlepath which would be temporarily diverted during construction but the preference would be to use the access through Jade Business Park for which agreement would need to be secured.

Councillor Moist referred to the community fund and asked whether this would be £17,500 per annum over the 35 years of the project. Ms Hood confirmed this to be correct. Councillor Griffiths added that this money was to be split between South Hetton and Murton.

The Senior Planning Officer informed the Committee that the access road was a bridleway but was also suitable for traffic. Some issues had been raised about the safety of the site, particularly the solar panels. A risk based approach should not be taken in determining planning applications and it should be assumed that the solar panels would be installed correctly and built to British Standards where appropriate. The National Grid project which had been mentioned was an application which was currently being considered. This would bring renewable energy from Scotland to England via a connection point in Durham but it would not generate renewable energy in itself, it would import it from elsewhere and therefore would not add to County Durham's targets.

The report noted that the development would conflict with CDP Policies 10 and 39. It conflicted with Policy 10 because it conflicted with Policy 39 because it had landscape harm but within this Policy there was a caveat that if the benefits overrode that harm then the application did not need to be refused on that basis. It had been concluded that the benefits did override the harm and that was the balance for the Committee to consider.

Councillor Boyes informed the Committee that the development site bordered his electoral division and he was familiar with the area. While nobody was against renewable energy, this was a massive site in the most populated part of County Durham. The loss of agricultural land had been discussed many times previously at Committee and Councillor Boyes considered this was the wrong development at the wrong site. Councillor Boyes informed the Committee that he would be opposing the development.

Councillor Jopling informed the Committee she found applications such as this difficult to balance between environmental issues and residents concerns. However, Councillor Jopling considered this application to be enormous and on the doorstep of Murton and Councillor Jopling found it difficult to justify that the benefits outweighed the negatives. The added fact that the site was raised or undulating made it difficult for Councillor Jopling to support the officer recommendation to approve the application.

Councillor Hunt acknowledged that the applicant had amended the application following consultation, however, having visited the site the development would have a massive impact on the landscape, regardless of the proposed mitigation. Councillor Hunt **seconded** that the application be refused.

Councillor Molloy informed the Committee that compared to previous applications which the Committee had refused, he considered this site to be worse in that it was in a more populated area and was on undulating land. Councillor Molloy did not believe that the benefits of the proposed development outweighed the harm and he considered the application conflicted with CDP Policies 10, 39 and 40 and NPPF 15.

Councillor A Bell considered that the harm on the landscape from this development would be enormous and the development would lead to the loss of agricultural land. He considered this to be a good scheme but in the wrong location and there was a need to listen to the views of local people.

Councillor Moist considered that more work needed to be put in to the selection of sites for solar farms and for this application it would be impossible to shield the impact of this proposed development. He did not consider that the benefits of the scheme would outweigh the local harm.

Councillor Roberts considered this to be a development on a massive scale which would be seen even after landscape mitigation had been introduced.

Councillor McKeon expressed concern about the climate crisis but questioned how far the applicant had engaged with the local community to address local issues and concerns. Councillor McKeon considered the application should be deferred to allow more time for the applicant to engage with the local community.

Councillor Marshall acknowledged the challenges posed by climate change and there was a need for more energy to be produced locally. Suitable strategic sites for development such as this needed to be identified. He had visited the site several times, and Murton had embraced change over the years, but given the scale and size of this development it appeared that something had gone wrong in engaging with the community.

The Planning and Development Solicitor reminded the Committee that while the application had been moved and seconded for refusal, the grounds for refusal needed to be made clear.

Councillor Boyes considered that the application conflicted with Policies 10, 39 and 40 of the CDP as well as NPPF 15 on the grounds of landscape impact.

The Senior Planning Officer informed the Committee that Policy 40 of the CDP ensured no loss of trees or hedgerows, but this application would not lead to a loss of trees or hedgerows.

Councillor Boyes clarified that the application should be refused because it conflicted with Policy 39 of the CDP because its benefits did not outweigh the landscape harm.

Upon a vote being taken it was

Resolved:

That the application be refused because it conflicted with Policy 39 of the County Durham Plan and its benefits did not outweigh the landscape harm.

DURHAM COUNTY COUNCIL

At a Special Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 26 July 2022 at 9.30 am**

Present:

Councillor A Bell (Chair)

Members of the Committee:

Councillors J Higgins, L A Holmes, P Jopling, L Maddison, C Marshall, C Martin, M McGaun, B Moist, I Roberts, K Shaw, A Simpson, S Wilson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors Hunt, Molloy and Richardson.

2 Substitute Members

Councillor McGaun as substitute Member for Councillor Hunt, Councillor Maddison as substitute Member for Councillor Molloy and Councillor Holmes as substitute Member for Councillor Richardson.

3 Declarations of Interest

There were no declarations of interest.

4 Applications to be determined

a DM/20/02519/FPA - Lintz Hall Farm, Lintz Lane, Burnopfield, Newcastle upon Tyne, NE16 6AS

The Committee considered a report of the Principal Planning Officer regarding a proposed temporary permission for the use of 2 agricultural buildings as an events space for 30 days per year and installation of associated car park hardstanding areas at Lintz Hall Farm, Lintz Lane, Burnopfield, Newcastle upon Tyne (for copy see file of Minutes).

G Blakey, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs

Councillor Mulholland, local Member was unable to attend the meeting but asked that his representation be brought to Member's attention as follows:

Previous events that have taken place have resulted in several residents raising their grave concerns with regards to the road safety surrounding the area in which the events take place.

The B6310 is a very narrow road which during usual traffic flows can be difficult to traverse. When events were being held at the Lintz Hall Farm site last year, the increased traffic through the B6310 and subsequently Burnopfield Front Street caused a great concern to residents. At the time the events were being held, I raised concerns that I had received from residents which I believe were considered by the relevant departments at the Council and as a result, temporary speed reductions were implemented.

I have received concerns in relation to this planning application, citing the issues surrounding increased traffic, speeding and road safety in the area, I ask that these concerns are considered earnestly when considering this application.

Ms K Batey, local resident addressed the Committee to object to the application. She informed the Committee that she was in attendance to represent the 46 objectors to the application.

Residents had found that due to the noise emitted from the events held at Lintz Hall Farm, that they were not able to come home and relax in the sanctuary of their own surroundings when events were on. As an example, residents had to close all the internal doors to the back half their homes to reduce the noise that could be heard and restrict residency to the front half of their houses. The most recent noise complaint to the council regarding the events that took place in 2021 had not been dealt with despite being resubmitted in May this year, and the most recent noise management report did not take in to account the outdoor discos that were being held as part of the events and which are causing the most noise disturbance.

Residents next to the B6310 had seen an increase in traffic during the Psycho Path and Big Blaze events in October and November and then again in December when Gibside National Trust used the site as additional parking for their Christmas at Gibside event which ran from 26 November to 2 January, with the exclusion of a few dates. This saw any visitors to the event between 5.15-7pm, at peak commuting time, being directed to drive past Gibside, through Burnopfield, to then park at Lintz Hall Farm and to then be shuttled back to Gibside via bus and then vice versa on their return journey. When Gibside was contacted about this about this they cited limited parking on site. Anyone who had visited Gibside would know that the parking was ample after improvements had been made in recent years.

The X70 bus route that ran through the heart of Burnopfield had recently been axed. This would increase the need for visitors to use private vehicles to get to and from future events, thus resulting in increased traffic, air pollution and noise disturbance to levels not seen in previous years.

The proposed access plan did not address that visitors, fairground rides and vendors all still had to come along a narrow and winding B road, with a lack of pavement or lighting for any pedestrians.

During the 2019 Psycho Path event, organisers announced on their Facebook page that 20,000+ tickets now sold and that the Final phase was almost sold out. The village did not have the infrastructure to support well over 1000 visitors a night. The numbers for the 2021 events would have exceeded this as the organisers kept adding additional dates, plunging residents into a total of 19 nights of disturbance.

As food and drinks vendors were based on site the events were not supporting the local economy of restaurants, pubs and shops within Burnopfield and the wider County Durham area.

Littering around the site entrance and adjacent verges had been an issue. The organisers took no urgent steps to make sure litter was cleared after events with the eyesore still present at the end of December 2021, as well as the obvious environmental problems associated with this.

A Google search for Burnopfield would show a map displaying the location of the village and the words Psycho Path presents Fear Ground next to it. Were the words Psycho and Fear really ones to be associated with the village?

In conclusion it could not be denied that the events were unique but a more suitable location should be found that had better access, was located further away from residents and was not in an Area of High Landscape Value and environmental importance that supported diverse wildlife.

The events organisers, 700 Acres, which included co-founders of Newcastle nightclub Tup Tup Palace, had the chance over the past 2 events to prove that they could manage events responsibly with minimal disturbance and impact to residents and the surrounding countryside. This had not been the case.

Furthermore, as the planning application was being submitted retrospectively, and as events had already been held on site for 2 years the proposed 5-year temporary permission in the report conclusion should include the 2 years the applicant had already had.

With high profile planning applications in the media such as Jeremy Clarkson's application to turn an old lambing shed into a restaurant and create a 70-space car park on his farm, which was rejected by West Oxon councillors due to residents objections and the inappropriate nature of the site close to a quiet village, Ms Batey hoped that the councillors of Durham also listened to their residents.

Ms A Robson addressed the Committee on behalf of the applicant Richard Tulip at Lintz Hall Farm in support of the application. Mr Tulip was on holiday and unable to attend and had asked Ms Robson to make the statement on his behalf.

The proposal sought to regularise the use of two agricultural buildings at Lintz Hall Farm for the incredibly successful Psycho Path and Fearground events. It was encouraging that officers supported the proposals and had delivered a recommendation for approval.

The proposal allowed for a seasonal visitor attraction which took place in October and November. Policy 7 of the Local Plan recognised that the visitor sector was an important resilient part of the County's economy. This proposal would contribute significantly to the visitor economy. The events provided much needed part time employment for local people, especially those aged 18 to 24. The amount of part time employees depended on the amount of visitors to any particular event but for the larger events, the applicant could expect to employ 100 members of staff including actors and entertainers.

There were few winter attractions within County Durham as evidenced by the Durham Tourism Management Plan which stated that one of the aims was to address seasonality. This proposal would contribute to addressing seasonality by providing an event which took place in the winter. The events proposed provided a visitor attraction for local people and those travelling from further afield.

The Halloween events had been running for a couple of years as the North's largest Scream Park. The events were truly unique and included spectacles which created immersive experiences for visitors such as stage shows which included magicians, aerial acts and other performers. The events included street food, bars and carnival games for all of the visitors to enjoy. The events took place around Halloween, in October, mostly scheduled for Friday and Saturday evenings.

Planning permission was sought for the temporary use of the two agricultural buildings only. Permitted Development rights allowed for events to operate outside for up to 28 days of the year with no restrictions. The proposals

could operate wholly outside in the open without restrictions such as opening hours being put in place. However, the Applicant wished to regularise the events which took place and in doing so, accepted conditions which related to management plans as well as highways signage improvements. The temporary use of the buildings was proposed to be for a period of 5 years which was controlled by a condition attached to any permission.

The proposal included a car park which was currently in place. As part of the application process, an independent traffic survey was undertaken during the events which took place last year. This allowed for accurate traffic flow measurements to be taken. Following extended consultation with the local authority highways officers, a revised access and exit point was established and appropriate signage was proposed. It was demonstrated and agreed by officers that the proposed highways arrangement ensured that there would not be an impact on highway safety.

The application also included extensive noise monitoring of the events which took place last year. The results of this monitoring along with an Event Management Plan had been reviewed by the Nuisance Action Team. It was recognised that the temporary nature of the proposals ensured that any impact on neighbours could be monitored. Appropriately worded conditions had been recommended to control hours of operation amongst other matters. The Applicant was happy to agree to conditions which limited any potential impact on neighbouring residents.

It was demonstrated and agreed by officers that the proposal would provide a visitor attraction within the County in the winter months which provided benefits to the local economy, in accordance with the aims of national policy and Policy 7 of the County Durham local plan. The proposal was for a 5-year temporary permission for events which would take place over 30 days of the year which did not run consecutively. Any potential impacts from the scheme had been carefully considered and due to the temporary nature and list of conditions, any impact was considered to be managed.

The proposal allowed for an established successful and unique event to continue to operate with additional restrictions put in place via condition. It was requested that members approve the application.

Councillor McGaun expressed concern that noise complaints had been submitted but it appeared they had not been dealt with. Councillor McGaun asked whether the five-year application included the two-years of retrospective permission. The report to Committee stated that the site was located on a bus route yet the objector had mentioned that this route had been axed and Councillor McGaun sought clarity on this.

The Principal Planning Officer replied that the noise complaints had been discussed with Environmental Health and work was progressing on these. The application was for a period of five years which did not include the two years retrospective application, however it was for the Committee to decide whether it wished to include the two years retrospective within the five-year application. There were three buses that ran through the area, the X70, X71 and X72. Although the X70 service had been axed there was still an hourly service into the evening.

Councillor Marshall informed the Committee that he had previously attended events at this location. When considering diversifying the offer to bring people into the region this was an attraction which was not only of regional significance but was of national significance, with one other in the Country offering this amenity at this time of year. There was a need to balance the benefits of such an attraction against the impact on residents. The applicant could choose to run the event as a wholly outdoor event without any regulation from the authority and it was positive that the applicant was engaged with the Council which was able to have a greater say over the management of the events through the Safety Advisory Group and through conditions on a planning application. Councillor Marshall hoped that the conditions proposed would limit the impact on residents. Councillor Marshall **moved** the application as outlined in the report.

Councillor Jopling referred to the Noise Nuisance Plan and sought confirmation that this would be adhered to. Councillor Joling asked whether access issues had been addressed. The Principal Planning Officer referred to the Noise Nuisance Plan and informed the Committee that if this was not adhered to the Council had powers of enforcement. Anything which took place outside of the buildings on the land fell outside of the planning remit. The current access was an unmade dirt track with poor visibility and would be moved to the east to give better visibility.

Councillor Moist agreed with Councillor Marshall that this brought major events into the County, especially on the run up to Christmas. However, the Committee also needed to recognise impact on residents and expressed concern that issues of noise had been raised but had not appeared to have been addressed. The application provided the Council to have an input into the safe and better management of the events. The application was retrospective and was for five years and Councillor Moist **moved** that the permission be for a period of three years to take account of the two years the event had already taken place. **Seconded** by Councillor McGaun.

Councillor Martin sought clarity on the rationale behind the application being for five years. The Principal Planning Officer replied that initial discussions were held for a two or three year permission and these took place prior to the pandemic. The events had been able to operate during the pandemic and

the five year period was proposed by the applicant. There was nothing to prevent the Committee from granting the permission for three years.

Ms A Robson informed the Committee that originally the two year period was to allow for the monitoring of highways and noise post decision of the application, but as the monitoring took place during the application it was felt that this monitoring had happened and therefore additional years could be placed for the temporary permission.

Councillor Jopling considered it would be expedient for the Committee to place a time limit on the roadworks which needed to be done. P Harrison, Highway Development Manager replied that it would make sense to have the works completed before the next event took place. The Principal Planning Officer informed the Committee that a Condition in the proposed permission was that the works take place within six months of the date of decision.

Councillor Marshall informed the Committee that as the applicant had not outlined any economic reasons or impact it might have on the viability of the events he would withdraw his proposal for the granting of a five-year permission and support the proposal put forward by Councillor Moist.

Resolved:

That the application be approved for a period of three years subject to the Conditions contained in the report.

b DM/21/04293/FPA - Lartington Water Treatment Works, Cotherstone, Barnard Castle, DL12 9DP

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of a below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures at Lartington Water Treatment Works, Cotherstone, Barnard Castle (for copy see file of Minutes).

C Teasdale, Principal Planning Officer provided a detailed presentation of the application which included a site location plan and an aerial photograph of the route of the pipeline.

The Principal Planning Officer informed the Committee that it was proposed that an additional requirement be added to Condition 20 for a Public Rights of Way Management Plan.

The Chair informed the Committee that there were two registered speakers for the application who would answer any questions Members may have.

Councillor Martin considered the application to be a major piece of infrastructure which was necessary and was pleased that a Condition was being included to protect Public Rights of Way. Councillor Martin **moved** approval of the application. **Seconded** by Councillor Zair.

Resolved:

That the application be approved subject to the Conditions contained in the report and the addition of a Condition for a Public Rights of Way Management Plan.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/21/03574/OUT

APPLICATION DESCRIPTION: Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping.

NAME OF APPLICANT: Co. Durham Land LLP

ADDRESS: Land At Sniperley Park, West Of The A167 And North And South Of The B6532, Durham

ELECTORAL DIVISION: Framwellgate and Newton Hall

CASE OFFICER: Graham Blakey
Principal Planning Officer
03000 264865
graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Background

1. This proposal is subject to an appeal the Planning Inspectorate against non-determination of the application. Therefore, committee members are asked to consider this report in light of this and make a resolution based upon the decision they would make were the application to be determined in the usual manner. This resolution will then be carried forward for consideration at Public Inquiry.

The Site

2. The application site extends to approximately 120 hectares (ha) in size and broadly triangular in shape. It comprises predominantly agricultural land used for primarily for arable farming, however, in the mid-19th Century Cater Houser Pit, was established in the centre of the site, ceasing operation circa 1910. A small number of alternative uses are also present including a number of playing pitches, located in the south eastern part of the site and a residential dwelling to the north of Potterhouse Lane. Two farm buildings are located in the north west of the site, adjacent to the B6532 which traverses the site in the west. Overhead power lines cross the site from north-east to south-west.

3. The site is generally flat, although a raised area (former colliery) and steeper valley slopes associated with the stream that flows through the site are present towards the centre. The site is bound to the north by agricultural land, a poultry farm and Pity Me Nurseries Garden Centre. To the south and west by the wider grounds of Sniperley Farm; Sniperley Park and Ride; the Durham former Trinity School; and Lancaster Road Hospital, beyond which is the A691. And to the east by the A167 (Durham Road); beyond which lies New College Durham and the existing settlements at Pity Me and Framwellgate Moor.
4. The B6532 runs across the site, providing direct connections into Durham City Centre and north to Sacriston, and intersects with Potterhouse Lane to the north. The A691 follows parallel to the western boundary of the site and provides connections from Durham City to Lanchester and Consett, with the A167 following the eastern boundary of the site running north towards Chester-Le-Street. Unclassified roads, Potterhouse Lane and Trouts Lane, sit at the northern end of the site acting as links between the two A-Roads. There are several Public Rights of Way that cross the site. An underpass also exists, connecting Framwellgate Moor to the site and a footpath that heads north towards Potterhouse Lane. This also runs west past the former Cater House Pit site, providing a connection to the B6532.
5. The site comprises an area of lowland agricultural habitats with areas of woodland and hedgerows. A key feature which runs from the centre of the site to the north east is Folly Plantation and associated surface water drainage. There are no Sites of Special Scientific Interest (SSSI) within 2km of the site. However, there are a number of Local Nature Reserves (LNR) within 2km of the site, the closest is Pity Me Carrs at approximately 375m to the east of the site across the A167. Three other LNRs include Flass Vale LNR and Low Newton Junction LNR to the south and east, with Daisy Hill LNR to the north. There are two watercourses within the site, the Little Gill on the northern boundary and the Folly Plantation Burn which are to be retained and buffered within areas of retained greenspace. There is a single pond within the site.
6. The site is not located within a Conservation Area and there are no designated heritage assets within the site, however there are designated and non-designated heritage assets in the surrounding area. These include the Durham Castle and Cathedral World Heritage Site (WHS); Durham City Conservation Area; Cathedral Church of Christ and St Mary the Virgin (Grade I); Kimblesworth Grange Farmhouse with wall and outhouse attached (Grade II); Cottage and Stables c. 100m west of Kimblesworth Grange Farmhouse (Grade II); Lanchester Hospital (Former Earls House County Industrial School); and Sniperley Hall, Sniperley Hall Historic Park and Garden of Local Interest and Sniperley Farm (located immediately south west of the site).

The Proposal

7. The application seeks outline planning permission for the erection of 1,550 no. new dwellings, a primary school, a local centre, new linear park and landscaping. The local centre will include provision of retail, commercial and healthcare facilities. In addition, the northern part of the site, north of Potterhouse Lane, will comprise an area to provide compensatory improvements to the Green Belt.
8. A series of Parameters Plans have been prepared to identify the form of the proposed development across the site, with areas of built development, the local centre, facilities and landscaping all identified. Matters of appearance, scale, landscaping and layout are reserved for later assessment, but illustrative plans are provided including an illustrative 'masterplan' for this application site.

9. Site access, sought for detailed approval, involves several points of access and modifications to the adopted highway network. Firstly, the realignment of the B6532 to take primary northbound access from the A167 / Park and Ride roundabout. Access would remain into New College and the Dryburn area of Durham via the existing road provision also. A further new roundabout would be constructed mid way between the Park and Ride roundabout and the Pity Me roundabout on the A167. Several site accesses would be provided onto the existing highway network of the B6532 and Potterhouse Lane around the development into each development area where necessary and formed primarily of T-junction arrangements.
10. This application proposes a developable area of 41.84Ha whereby providing 1,550 properties would average 37 dwellings per hectare (dph) across the site. Areas of higher and lower densities would be provided across the site in response to the various constraints of the site and facilities provided. For example, areas of higher density (greater than 35dph) would be focused around the B6532 within the site, closer to the proposed facilities (local centre, primary school, linear park) and the main vehicular access routes from the A167. Lower densities (less than 30dph) are located to the north west, north and north east corners of the site, closest to the Lanchester Road Hospital, Potterhouse Lane and Folly Plantation. Properties of a maximum height of 3 storeys are proposed in the areas of highest density, with the remainder of the site proposed at a maximum of 2.5 storeys. The proposed primary school would have a max height of 2.5 storeys, with other proposed facilities to work within the aforementioned limits depending upon their location.
11. Running centrally through the site is the proposed 'linear park' stretching from Folly Plantation in the north and east down to the local centre centrally within the site and south west to the edge of the application site and onto the remainder of the housing allocation adjacent. The park incorporates the line of overhead powerlines which run part way through the site from south west to the eastern boundary. SuDs provision utilises parts of the linear park area to incorporate features which are useful to both the public open space (POS) and the drainage requirements of the site. All existing main bodies of trees are proposed for retention, such as Folly Plantation, Cater House Pit, and other pockets to the A167 and the western boundary of the application site.
12. The application is being reported to the County Planning Committee as it comprises a major residential development on a site in excess of 3ha/100 dwellings.

PLANNING HISTORY

13. DM/21/03574/OUT - Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping. Pending Consideration.
14. DM/21/03706/FPA - Conversion of existing buildings to form 4 residential units (Use Class C3). Pending Consideration.
15. DM/17/01724/FPA - Conversion and extension of redundant farm buildings to form nine dwellings, associated facilities and car parking. Approved 19th July 2017.
16. 4/09/00718/FPA - Change of use and conversion of 2 no. redundant farm buildings to form office accommodation including erection of glazed extension to courtyard. Approved 2nd August 2010.

PLANNING POLICY

NATIONAL POLICY

17. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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. 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 5 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
22. *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.
23. *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.
24. *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.
25. *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.

26. *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.
27. *NPPF Part 13 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
28. *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.
29. *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.
30. *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.
31. *NPPF Part 17 – Facilitating the Sustainable Use of Minerals* – Amongst its advice, highlights the need to safeguard mineral resources including through the use of Mineral Safeguarding Areas and Mineral Consultation Areas.

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

32. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; consultation and pre-decision matters; design: process and tools; determining a planning application; effective use of land; Environment Impact Assessment; flood risk and coastal change; Green Belt; healthy and safe communities; historic environment; housing and economic land availability assessment; housing and economic needs assessment; housing needs of different groups; housing for older and disabled people; housing: optional technical standards; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports

and recreation facilities; planning obligations; travel plans, transport assessments and statements; tree preservation orders and trees in conservation areas; use of planning conditions; viability and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

33. *Policy 1 - Quantity of Development* outlines the levels of employment land and housing delivery considered to be required across the plan period.
34. *Policy 4 - Housing Allocations* identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
35. *Policy 5 - Durham City's Sustainable Urban Extensions* identify site specific requirements for proposed housing development to two locations on the edge of Durham City (Sniperley Park and Sherburn Road). Development is required to be comprehensively masterplanned and to demonstrate how the phasing of development will have regard to the provision and timing of the infrastructure and services necessary to support them. The policy advises that the Sniperley Park development will comprise of 1,700 houses. A detailed set of criteria based requirements for the development are established within the policy including; a need for a local centre; primary school; formation of linear park; highway network improvements and park and ride expansion.
36. *Policy 10 - Development in the Countryside* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings.
37. *Policy 14 - Best and Most Versatile Agricultural Land and Soil Resources*. Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
38. *Policy 15 - Addressing Housing Need* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
39. *Policy 19 - Type and Mix of Housing* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
40. *Policy 20 – Green Belt*. Development proposals within the Green Belt will be determined in accordance with the national planning policy.

41. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
42. *Policy 22 - Durham City Sustainable Transport* seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
43. *Policy 24 - Provision of Transport Infrastructure* advises that new and improved transport infrastructure will be permitted where; it is necessary to improve highway/public transport infrastructure; minimises harmful impacts; provides provision for all users whilst also either supporting economic growth, enhancing connectivity or accommodating future development sites.
44. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
45. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
46. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
47. *Policy 28 – Safeguarded Areas.* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar.
48. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable

buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

49. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
50. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
51. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
52. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
53. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
54. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

55. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
56. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
57. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
58. *Policy 45 - Durham Castle and Cathedral World Heritage Site* seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
59. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN POLICY:

The Witton Gilbert Neighbourhood Plan

60. *Policy 1 - Settlement Boundary of Witton Gilbert –* Development within the settlement boundary of Witton Gilbert will be supported where the accord with policies within the Development Plan. Development will not be supported on land beyond the settlement boundary unless allowed for by specific policies in the NPPF and Local Plan. Development must not give rise to unacceptable harm in the Neighbourhood Area.
61. *Policy 2 - Housing Development in Witton Gilbert Neighbourhood Plan Area.* Supports new housing development where; it results in high quality sustainable design; does not adversely impact upon the amenity of existing and future residents; provides a range of housing taking into account local need; includes affordable housing and; provides safe access for all modes of transport.
62. *Policy 3 – Older People's Homes.* Requires that on sites of 10 or more dwellings 10% shall be suitable for older people whilst support is given for proposals providing housing for vulnerable people and specialist housing provision.

63. *Policy 6 - Sustainable Design.* Requires design to contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the building environment and local landscape character. Emphasis is also placed on energy efficiency and incorporating renewable and low carbon energy generation where viable.
64. *Policy 7 – Biodiversity in the Parish of Witton Gilbert.* Requires the integration of biodiversity into new development where possible. Where loss is necessary, alternative provision should be provided so as to achieve a net benefit for biodiversity.
65. *Policy 11 – Broadband.* Requires all new development to incorporate a means of enabling high speed broadband unless demonstrated to be unviable.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

66. *Witton Gilbert Parish Council – Raise objections.* Concerns are expressed regarding the inward looking nature of the application's masterplan towards Durham City, neglecting services, facilities and connections to the west. Connectivity to Witton Gilbert should be seen as important as to Framwellgate Moor and Pity Me. Tight control of the development phasing will be needed to avoid pressure on surrounding infrastructure and facilities in local villages. New development along the B6532 could reduce traffic flows along the road and lead to great impacts elsewhere in the Parish (A691).
67. *City of Durham Parish Council – Raise objections.* The site lies outside of the Parish Council boundary, however, the Parish have proper interest due to the potential consequences of the development. Emphasis is placed upon the need for a comprehensive masterplan as per the requirements of CDP Policy 5 so as to achieve a sustainable development. This application is entirely inadequate in this regard, whereby during the formation process of the CDP, the examining inspector clearly set out the requirements for the development to follow.
68. *Highway Authority – National and local planning policy requires new development to promote sustainable transport options, provide safe and suitable access for all users, design streets and spaces to current guidance and mitigate significant impacts upon the highway network refusing only where unacceptable or severe cumulative impacts would occur. Site specific matters are covered in the County Durham Plan for this site also.*

Having assessed the application, in conjunction with the adjacent application, against NPPF paragraphs 110, 111 and 112, as well as Policy 5 of the CDP, the development is considered to be broadly acceptable in principle, subject to further discussion around proposed mitigations, planning obligations and compliance with the Council's Masterplan. Details of specific mitigation measures to off-site highway infrastructure is accepted with some exceptions at A691 / Trouts Lane and B6532 / Potterhouse Lane junctions.

CDP Policy 5 (l) requires specific off-site highway mitigation works to be delivered by the proposals to this CDP allocation, and these should be secured by way of legal agreement (S278 / S106) or planning condition.

69. *National Highways – Raise no objections on the grounds that junction capacity on the Strategic Highway Network (i.e. A1(M) junctions 61, 62 and 63) are already operating close to or above capacity before accounting for additional traffic from this development and so no mitigation is required from this development. Earlier responses raised*

queries in regard to whether certain bus stops on the A691 are functioning and; a targeted reduction of 5% in the proportion of households travelling by car is not ambitious enough.

70. *Drainage and Coastal Protection* –It is advised that the current layout does not show areas of landscape, ecology and Sustainable urban Drainage Systems (SuDS) throughout and should be amended. Particularly the proposals do not demonstrate the incorporation of adequate site control features and additional information is therefore required prior to the commencement of development.
71. *Historic England* – Raise no objections. The assessment within the submitted ES in respect to the key heritage assets is broadly accepted, with negligible or neutral impacts expected upon Durham Castle and Cathedral World Heritage Site, the Neville’s Cross Battlefield and Grange and Chapel at Beaurepaire scheduled monument.
72. *Environment Agency* – Raise no objections. Amended information provided by the applicant has addressed earlier concerns with regard to water quality of receiving water courses impacted by the development.
73. *National Amenity Societies* – No comments received.
74. *Coal Authority* – Raise no objections subject to conditions, confirming that coal mining legacy poses a potential risk to the proposed development and investigations are required and should be secured by condition.
75. *Natural England* – Raise no objections to the development having regard to its potential to affect statutory ecological sites. Advice on the submitted Agricultural Land Quality Classification (ALC) and Soil Management Plan (SMP) submissions are provided on a non-statutory consultee basis and concerns and queries are raised in respect to the content of the ALC which is considered to have not followed best practice whilst the SMP is considered to lack specific recommendations tailored to the site. Standing advice in respect to landscape, protected species and biodiversity, woodland and access and recreation are also provided.

INTERNAL CONSULTEE RESPONSES:

76. *Spatial Planning Policy* – The site which is the subject of this planning application is allocated within Policy 4 (Reference H5) of the CDP, therefore the principle of housing on this site is acceptable. Matters of detail need to adhere to all the policy requirement of Policy 5 as well as other relevant policies of the CDP. At the current time, there are issues to be resolved with the submitted schemes and the demonstration that each have made to the requirement of Policy 5 and the exemplar development which the Council are seeking to achieve on this site. The development is required to deliver affordable housing, appropriate housing for older people, and the green infrastructure requirements appropriate for its size. The Council has adopted its Masterplan for the site and is of significant material weight in the decision making process.
77. *Corporate Property and Land (CPaL)* - CPaL act for and on behalf of Durham County Council (‘DCC’) in its capacity as a corporate landowner. Policy 5 states that ‘Development is required to be comprehensively master planned’, which will aid with the phasing of the scheme and the delivery of infrastructure and services when they are required. DCC own four different parcels of land which sit within the boundaries of the proposed Sniperley Park Sustainable Urban Extension across both planning applications, extending to approximately 16 hectares (40 acres). The Council’s adopted Masterplan (June 2022) identifies that the DCC Land is to be utilised within the development for a number of purposes including housing, open space, principle access

point, primary school and playing fields. The uses mentioned appear to be pivotal to the delivery of the overall development scheme.

78. DCC, as a landowner, has historically accepted its responsibility to engage with relevant parties (developers and third-party landowners) in relation to the requirement legal agreements to enable promotion, delivery and master planning of the Sniperley Park Sustainable Urban Extension. DCC, in its capacity as landowner, is not currently in a position to engage with either Durham Land LLP in relation to the disposal of its land for development. This is on the basis that the existing planning applications do not comply with Policy 5 of the CDP or the Sniperley Park Masterplan. This opinion will remain until such time as a policy compliant application is submitted for consideration by the Local Planning Authority.
79. *Business Durham* – No comments received.
80. *Archaeology* – Raise no objections. A scheme of trial trenching has been undertaken in accordance with the agreed Written Scheme of Investigation (WSI) which has discovered no remains of interest. The results of the investigations have been placed upon the historic record.
81. *Design and Conservation* – The entirety of the site subject to CDP Policy 5 is not covered by a masterplan, contrary to the requirements of the policy. The proposal has been assessed by the Council’s Design Review and that assessment should be referred to. Major, non-residential development should achieve a BREEAM minimum rating of “very good” (CDP Policy 29). Whilst accepting that the non-residential elements of the development are applied for in outline only it should be noted that to achieve BREEAM ratings, consideration to it must be given at the early stages of development to avoid problems with achieving credits further down the line.
82. The Design Review assessment process raised some significant design related concerns with the outline development proposals submitted. High housing numbers above that of the CDP allocation are likely to lead to greater densities across the board (circa 37 dwellings per hectare in this case). Provision of services and facilities are committed to, however the detail required for this outline permission is inconsistent with varying floorspace amounts proposed. The submitted draft masterplan for the allocation proposes 3 broad phases to the delivery of the site; however, inconsistencies in the submission remain and the timeframe for the delivery of the required school on site is uncertain. The Panel was critical of the proposed arrangement of the local centre layout to a single side the B6532. Landscape character areas are squeezed by development cells; built development character areas are poorly grouped in places; insufficient detail has been provided in regard to outward-facing development in and around cells; street hierarchy detail is required in the design code; public square areas and their position require further consideration; and how the B6532 corridor is treated by the development cells are all areas of concern with the proposed masterplan. Furthermore, no design code has been submitted contrary to CDP Policy 5.
83. Vehicular linkage into the adjacent application site is missing from the submission to date, with the connection to the A167 poorly positioned with regards to permeability. Cycle and pedestrian links are shown as shared use in accordance with best practice; however, mitigations beyond the site are yet to be committed to. Queries relating to district heating, allotments also remain outstanding.
84. In respect to the impacts of the development upon the setting of heritage assets no harm is identified to a range of heritage assets within the vicinity of the site due to either limited or no intervisibility. The conclusions of the Cultural Heritage chapter within the submitted ES are agreed with.

85. *Ecology* – The supplied ecological information is considered to contain some discrepancies with regard to indicative habitat creation across the site which fundamentally impacts upon the deliverability of biodiversity net gain. Both the plans and the biodiversity metric need to link together from the outset to ensure that the schemes are possible. Within that, biodiversity delivery is limited to the linear park areas and not throughout the built environment, and SuDs infrastructure while present are under utilised in this regard. Even at the outline stage the Council requires a draft Biodiversity Management and Monitoring Plan to accompany the metric and landscape plan.
86. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. In respect to the construction phase of the development queries are raised in regard to the absence of consideration of demolition. In regard to the operational phase, it is noted that the predicted concentrations of NOx in predicted future years is above threshold and would present a ‘moderate adverse’ impact within the Durham Air Quality Management Area (AQMA) at Leazes Road (R7). No cautious assumptions into the reductions in NOx emissions as part of the shift away from petrol and diesel vehicles are made. As a result, the suite of mitigation measures for the operational phase of the development should be conditioned as part of any planning approval in light of the above.
87. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objections. In respect to noise the methodologies adopted in the application submissions are accepted. Effects upon existing receptors following completion of the development are considered to be not significant. Some moderate impacts are identified as a result of the operation of the proposed park and ride extension though mitigation measures are proposed to address this in the form of glazing and ventilation specification and acoustic barrier. In the event of approval, conditions in respect to these mitigation measures are recommended together with a construction management plan and control over working hours to manage the effects of the construction period.
88. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The Phase 1 contaminated land submissions are acceptable. Limited made ground and contamination is identified particularly in the location around the farm buildings. Some ground gas monitoring information is absent. As a result, in the event of an approval a contaminated land condition would be necessary in respect to Phase 2 (site investigation) and as necessary Phases 3 (remediation) and 4 (verification).
89. *Landscape and Arboriculture* – The proposals would cause some harm to the character, quality and distinctiveness of the landscape at the level of the site and immediate local landscape. The proposals have been generally designed to mitigate effects appropriately although there would be some unavoidable residual effects. The proposals would have no direct effect on the special qualities of the adjacent Area of Higher Landscape Value (AHLV). The scheme has been informed by supporting the relevant evidence base and compensatory measures proposed would contribute to conserving / enhancing the local landscape. The proposals would have no direct effect on the locally listed park but would affect its setting by being visible through trees along its eastern edge. A balanced judgement is required having regard to the scale of that harm / loss and the significance of the asset.
90. The extent to which the proposals would entail the loss of any trees of high landscape / amenity value cannot be fully determined at the outline application stage. The Arboricultural Impact Assessment notes that there would be a loss of around 14no. ‘A’ category trees and 15 ‘B’ category trees so losses of high value trees of that order could be anticipated; however, the majority of trees have been retained and integrated into

the indicative design at this stage. The proposals provide for suitable replacement planting within the site and in areas of compensatory improvement. The proposals would entail the loss of some hedges which are generally species-poor late enclosure period hedges and those likely to be removed would not be considered of high value in the terms of the Policy. Again, the extent to which these are accepted or otherwise should be factored into the planning balance.

91. Although there is limited structure planting along the northern edge of the site itself, the extent of planting within the compensatory land to the north should provide an attractive settlement edge. One area where there is no structure planting proposed is west of the B6532 / Potterhouse junction where there would be an unprepossessing, unmitigated view of the backs of houses and garden fences at the gateway to the development. The eastern edge of the development may need additional structure planting in places: there would appear to be sufficient space within the indicative layout.
92. While some streets have been designed in places with street trees in the public realm, the indicative layout suggests that there would be a reliance in places on what will have to be small trees in small private front gardens /forecourts. The longevity of features in small private plots is insecure.
93. In a number of the housing cells adjoining open space the interface with the public open space (POS), and routes through the housing to it, are largely restricted to private shared drives impacting permeability. The route of the proposed southern access road brings it close to the edge of the development at a point where the layout proposed to the south provides only a narrow corridor of POS. At its narrowest it does not now form part of what might be reasonably described as a linear park. Further connectivity issues are visible in the indicative layout west of the B6532. The impact of changes to all of these areas would likely have implications for the number houses proposed on the site.
94. *Sustainable Travel* – A key requirement for new development is to maximise pedestrian and cycle movements within and to neighbouring areas, as well as facilitating access to high quality public transport so far as possible. Public Transport penetration within both developments overall would be best served via the road layout and connection positions indicated upon the DCC Masterplan giving a greater catchment area of users. The overall development proposals do not maximise this catchment and as such reduce the accessibility of future occupiers to public transport.
95. A Healthy Active Travel Connectivity Plan for the Sniperley allocation has been prepared by the Council alongside the Masterplan. The plan identifies several active travel routes from the development site to key destinations such as shops, schools and green space. It is the view of the Sustainable Travel Team that the provision of all the mitigations contained in the plan would be necessary to maximise the potential for travel by sustainable from residents of the site. The location of the Sniperley allocation puts it in the ideal location to maximise the use of sustainable modes of travel.
96. A 5% modal shift away from private vehicle towards more sustainable modes of transport is proposed by the submitted Travel Plan. Adherence to this should be secured through legal agreement.
97. *School Organisation Manager* – Owing to the scale of both development proposals a significant number of school pupils at both primary and secondary school ages would be generated causing demand for school places in the Framwellgate Moor Pupil Place area. Assessment of future pupil rolls and school capacities across all ages indicates that there is insufficient capacity to accommodate all pupils within existing schools.

98. A total of 576 primary age school pupils would be generated from the development as a whole, of which 465 pupils would originate from this development. CDP Policy 5 requires a new primary school to be provided within the housing allocation to meet demand generated. Based upon recent previous construction of a primary school within the County, a cost of at least £12,968,155 would be required to construct the new school (this figure however does not take in account inflation/construction cost increases post Q2 2021).
99. A total of 230 secondary age school pupils would be generated from the development as a whole, of which 185 pupils would originate from this development. Paragraph 95 of the NPPF requires new communities have sufficient choice of school places. A shortfall of secondary pupil places is expected to occur over the next 10 years before the impacts from this development are considered. As such the creation of additional capacity for the whole development would be £7,935,475 for 230 pupils based upon creation of the capacity at a single school.
100. *Access and Rights of Way* – The proposal will affect public footpath no. 9 (Witton Gilbert). The footpath currently terminates at Sniperley Hall and is considered to be of limited public value. The scheme represents an opportunity to address this by linking it to other pedestrian and cycle routes within the development including in future potential phases and bridleway no. 6 (Framwellgate Moor). Most of footpath 9 is proposed over open space and as a result there may not be a requirement to realign the footway from the existing legal line, though if this is required, a path diversion order will be necessary.
101. *Employability Team* – No comments received.
102. *Sustainability* – The development fails to show that a district heating scheme is feasible or that it is not viable as part of the proposed development contrary to Policy 5 (i) of the County Durham Plan.
103. *Culture, Sport and Tourism* - The adopted County Playing Pitch Strategy Nov 2021 references the need to protect playing fields in order to meet demand from teams. There are shortages in pitch types within the Central planning area that mean we need to manage any loss of playing fields in accordance with Sport England policy.
104. The indicative layout seeks to address the issues of playing field protection by mitigating loss of playing fields lost to the Primary School development via their replacement at Potterhouse Lane; compensatory measures in the form of a 3G Artificial Grass Pitch on the St Leonards detached playing fields site; and reconfiguration of remaining pitches on the St Leonards detached playing fields site. However, the proposals lack necessary detail in terms of facilities operation and on-going maintenance.
105. There is no detail about who/how the proposed 3G and remaining grass pitches will be managed or maintained. A suitable Community Use Agreement should accompany any planning proposal (this may be via the proposed primary school or existing New College) and provision of suitable parking to accommodate the number of teams generated by a site of this size and capacity. In accommodating the proposed Primary School build, there is no detail on the types/sizes of grass pitches remaining on site. The proposal drawing is indicative and does not provide reassurance that these pitches will meet FA or Playing Pitch Strategy requirements.
106. With regard to proposed replacement pitches at Potterhouse Lane, there is no detail regarding ancillary facilities for changing/toilet and parking, or their on-going maintenance (i.e. commuted sum). The lack of such facilities is of likely concern to future residents/road users leading to complaints in terms of public decency and highway obstruction.

EXTERNAL CONSULTEE RESPONSES:

107. *Sport England* – Raise objections. Objections are raised statutorily and non-statutorily with regards to the development. Replacement of 2.4Ha of lost playing field to a proposed primary school initially raised a statutory objection, with the failure to address the increase in demand from new residents for indoor and outdoor sports facilities raised as a non-statutory objection. The applicant met with Sport England and amendments were tabled to the playing field provision that included areas of the land north of Potterhouse Lane given over to sports pitches as well as the provision of a full-sized artificial grass pitch and changing facilities totally approximately £1.7m.
108. While Sport England are in agreement with regard to the applicant's 'direction of travel', their remains significant detail to resolve before what is tabled before a practical proposition in terms of properly planned sports provision. Issues regarding the sustainability of replacement playing fields and their ability to work as a provision for community football remain unresolved. As does a lack of confirmation from New College, Durham to fulfil a partner or operator role in management and maintenance of the proposed artificial grass pitch, the provision of parking and changing facilities, together with details on a site wide community use agreement. A lack of support from New College brings questions over long term sustainability of, in particular, the artificial grass pitch to such a degree that Sport England would maintain its non-statutory objection.
109. *Northumbrian Water Limited* – Raise no objections. NWL are aware of the information submitted to the Environment Agency after being involved in the discussions ahead of the submission of amended information. The report establishes that the phasing of the proposed Sniperley Park development can be developed in conjunction with the phasing of improvements by NWL to nearby infrastructure.
110. *Police Architectural Liaison* – Advise that the principles of Secured by Design are adopted at the site, this includes design principles to reduce the potential for crime through increasing natural surveillance, appropriate parking provision, appropriate lighting and window and door specification and other design measures.
111. *NHS/NENC ICB* – North East and North Cumbria Integrated Care Board (NENC ICB) advise that a total of 309.12sqm of additional treatment space is required to fulfil the demand likely to be generated from this development. Furthermore, the local GP practices within the West Primary Care Network are at capacity and are incapable of being extended to meet the demand upon services. A new practice premises would benefit the new population from the development and improve provision for the existing local community; therefore, the requirement of CDP Policy 5 to deliver a new Health Centre on site should be followed.
112. *Departure for Culture, Media and Sport* – No comments received.
113. *Northern Powergrid* - Raise no objections reference is made to best practices and Health and Safety Executive publications in respect to development in proximity to overhead power lines.

PUBLIC RESPONSES:

114. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.

115. In total 18 representations were received. Of the representations received, none were in support of the proposals and 18 in objection as they stand. A petition with 24 signatures has been received from residents of Dryburn Park. Letters received raise points from a neutral stance or with both supportive comments and those in opposition. Outlined below is a summary of the main issues raised by objectors / supporters of the application and any other specific responses received from the public.

116. In Objection

Principle of the Development

- A masterplan requires devising first and the application should not have been validated and should be withdrawn
- The proposals (as a total) propose more dwellings than the Adopted County Plan states
- The proposal will harm the Green Belt and countryside surrounding Durham
- Social inequality will increase as a result of focusing development in the City at the expense of the surrounding villages
- Local infrastructure such as schools and medical facilities cannot cater for the development, there is a lack of local shopping facilities
- Existing housing areas should be regenerated
- Smaller estates in places like Witton Gilbert and Sacriston which need a boost would have been more appropriate.
- Uncertainty that employment sites, such as Aykley Heads, come forward to support the new housing

Highways Issues

- The housing cannot go ahead without the Western Bypass to mitigate the traffic
- All surrounding roads/junctions become unacceptably congested at peak times
- Queries are raised over what mitigation measures are proposed
- Emergency services will be delayed
- Traffic count figures, accident data and predicted trip rates to inform upon impact are out of date and/or inaccurate
- Cumulative impacts with other developments including Aykley Heads must be taken into account
- No mitigation is proposed south of Sniperley roundabout on the A167 to Neville's Cross
- Pedestrian crossing at Sniperley roundabout is dangerous and transport submissions identify a clustering of incidents at the junction school children cross to access Durham Johnston
- The shared use cycle/footpath going past the site on the A691 is narrow and must be improved, cycle and footpath provision elsewhere to reduce the need for cars needs improvement
- Walking distances to bus stops are too high
- Alternative access solutions are recommended
- Access is inadequate in event of emergency
- Concerns raised over whether access to Lanchester, Lanchester Road Hospital and Sacriston will be affected

Amenity and Pollution

- Concerns over air pollution impacts
- Loss of outlook due to the proximity of the development
- Concerns are raised in respect to land contamination and coal mining legacy

- Light pollution from street lighting requirements
- Queries raised over potential impacts upon the chicken farm near Potterhouse Amenity Site
- Queries raised over duration of construction period

Design, Landscape and Heritage Impacts

- Loss of greenfield land
- Landscape and visual harm
- Impact upon the Battle of Nevilles Cross
- Inadequate measures to mitigate impact upon the Green Belt
- Regard is not had to the character and setting of Sniperley Hall and Farm
- The childrens play area is located in dangerous proximity to pylons with their known cancerous potential
- Recommendations on more limited extents to the development are made
- The development is too large and out of character with the area
- Harm upon Sniperley Hall
- Lack of detail on aspects of design including housetypes, landscaping and parkland proposals

Sustainability and Climate Change

- The homes must be sustainable utilising renewable energy sources
- The park and ride car park expansion is opposed – it defeats the object of building houses close enough to the City that their cars are not required
- The sustainability credentials of the proposal are not fit for the future with gas boilers for example
- No electric charging points are proposed
- Public transport is too expensive
- Queries regarding whether buses will enter the site or not

Ecology

- Loss of habitat

Flood Risk and Drainage

- There is a risk of groundwater flooding
- Concerns are raised over sewerage capacity

Other Issues

- Affordable homes must be delivered
- Bungalows are not proposed
- Questions within the application form are inaccurately completed
- There is an absence of well paid employment opportunities and this development will generate more competition
- There is conflict with the Building Regulation submission which is proposed for 395 dwellings

117. The City of Durham Trust – Raise objection. The submission and validation of the application prior to the completion of a comprehensive masterplan is contrary to CDP Policy 5 and the application fails to recognise the wider CDP Sniperley Park allocation beyond the extent of this application. Reference is made to the specific Policy 5 criteria

relevant to the proposal and the considered conflict. Particular concern is raised with the absence of comprehensive approach to resolving the potential highway safety and highway network impacts as well as sustainable travel measures. Recent appeal decisions highlight the need to achieve high quality residential development. The Trust identify specific elements of the NPPF and CDP which the proposals are considered to be in conflict with.

118. The Western Relief Road Action Group – Raise objection. The application is premature and should not have been validated. It is essential that a masterplan is developed. Consideration must be given to S106 requirements and how funds will be prioritised in recognition of the impacts of the development upon services, facilities and the community. The application should be withdrawn until an approved master plan is in place.
119. County Durham Green Party – Raise objection. The submission is contrary to the CDP Policy 5 requirement for the site to be comprehensively masterplanned, the scheme should be withdrawn or refused. The application is insufficient in detail to meet the detailed requirements of CDP Policy 5, of particular concern at the cumulative effects upon transport infrastructure and highway safety, health and education provision, sports and play provision, drainage and biodiversity. The scheme is not of exemplar design. The application makes little attempt to address climate and ecological emergency issues with inadequate carbon reduction measures, lack of clarity on biodiversity gain and little substance in encourage transport modal shift. The application should be refused.
120. Campaign to Protect Rural England (CPRE) – Raise objections. The application does not present a comprehensive masterplan for the whole Sniperley Park site contrary to CDP Policy 5. CDP Policy 5 requires the use of Design Codes to ensure high quality design outcomes which have not been included. It is considered that attractive and safe links to the existing park and ride or proposed extension have not been provided.
121. SPACE for Durham – The present application makes no proposals to improve connections to the east of the A167, and does not demonstrate that facilities like schools, shops, health care and employment can be access safely by walking or cycling. No reference to the Durham City Sustainable Transport Delivery Plan 2019-2035 is made, omitting schemes aimed at ensuring safer walking and cycling routes in the vicinity of the site; together with the Durham City Local Cycling and Walking Infrastructure Plan. Do the proposals provide “convenient, safe and high quality pedestrian and cycle routes ... connecting to adjoining facilities” (CDP Policy 21), no.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

122. 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, sustainable development, addressing housing need, landscape and visual impacts, layout and design, heritage and archaeology, highway safety and

access, amenity and pollution, ecology, drainage and flooding, public open space, education, healthcare, agricultural land classification and other matters.

The Principle of the Development

The Development Plan

123. 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 County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

124. 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.

125. The provisions of the development plan need to be clearly understood in the context of these proposals. As a site allocated under Policy 4 of the CDP, the development of the site is considered acceptable in principle for new housing development. However, the context within which the principle of development is accepted requires consideration of the terms of CDP Policy 5. CDP Policy 5 sets aside two sustainable urban extensions to the city, of which this application forms only part of one wider comprehensive allocation. The policy outlines several site-specific criteria against which proposals must adhere in order to be in accordance with the policy when it is considered as a whole. These are: -

- a. Sniperley Park will be a sustainable urban extension incorporating a centrally located local centre which will act as the focus for community activity, including convenience retail provision for A1 floorspace and an allowance for A2, A3 and A4 units [uses now covered under Class E] to facilitate a viable and vibrant community. The local centre will also include a building suitable to be used as a health centre;
- b. a new primary school will be provided of a scale which will meet the expected requirement for school places generated by the new housing development. The primary school should be readily accessible to public transport, walking and cycling routes. The primary school will contain associated playing fields which will replace those lost at the southern end of the site and will be of an equivalent or better quality; equivalent quantity and available for use by both the school and by community teams via a community use agreement;

- c. structural landscaping will be required along the A167 and the southern edge of the new road from the A691 to the Pity Me Roundabout to ensure suitable screening and that the perception of an extension to Durham City is minimised;
- d. a surface and foul water drainage management plan incorporating SuDS will be required with no further water draining into the Blackdene Burn. Where possible wider opportunities for improvement of local water quality should be explored;
- e. the design of development in the vicinity of Sniperley Hall and Farm will have regard to their character and setting, and the recognition of the area as an Historic Park and Garden of Local Interest, including through the provision of public open space and the use of reduced housing densities. The woodlands in that area will be retained;
- f. any visual association with the Durham Castle and Cathedral World Heritage Site will be given special regard to reflect its significance;
- g. as a major benefit to new and existing residents, a linear park will be provided in perpetuity through the centre of the site. It will run from Folly Plantation in the north, through the former Cater House Pit to the parklands of Sniperley Hall in the south. The park will comprise of approximately 25 hectares of public open space, wildlife habitats, playing fields and community woodlands connected by a network of footpaths and cycleways linking housing areas with the local centre, the wider countryside and the urban areas to the east. It will incorporate the mature woodlands and tree groups of Sniperley Park, maintaining the relationship of the Hall with land to the north and with Sniperley Farm, having regard to their setting. It will incorporate the habitats of the former Cater House Pit and Folly Plantation, providing new linkages between them and the wider countryside;
- h. schemes of compensatory improvements to the environmental quality and accessibility to the remaining Green Belt will be provided:
 - a. 1. on land north and south of the A691 to the south of the site to include, the planting of new hedgerows, woodland, parkland trees and hedgerow trees, habitat creation to buffer existing features and new public rights of way linking to the wider footpath network in the Browney Valley to the south; and
 - b. 2. on land north of Potterhouse Lane and south of Little Gill, to the north of the site, to include the planting of new hedgerows and gapping up of existing hedgerows, the planting of new hedgerow trees, the planting of new woodland along Little Gill and on steeper slopes to connect existing woodland with woods to the east, habitat creation to buffer existing features, and new public rights of way providing opportunities for circular walks and linking to the wider footpath network to the north.
- i. opportunities for a district heating network will be explored given the site's proximity to Lanchester Road Hospital and Aykley Heads;
- j. in order to achieve sustainable and cohesive communities, the development must be connected to the existing development to the east of the A167 through suitable, convenient, safe and attractive cycleways and footpaths;
- k. the expansion of the Sniperley Park and Ride facility will be required. Attractive and safe links between the housing and the existing Park and Ride facility will be created to maximise its use by residents;

- I. to ensure that there are no unacceptable impacts on highway safety or severe residual cumulative impacts on the wider road network (in terms of capacity and congestion), details of all necessary on and off-site highway works and improvements, together with a timetable for their implementation, shall be agreed with the council as part of the comprehensive masterplan and any future planning applications for the Sniperley Park site. These works and improvements shall include, but not be limited to:
 - a. improvements at the junctions of Trout's Lane, Potterhouse Lane and the B6532;
 - b. a new link between the B6532 and the A167 park and ride roundabout; and
 - c. capacity improvements along the A167 corridor from Neville's Cross to Sniperley, including improvements to Sniperley Roundabout.

A contribution to delivering sustainable transport in accordance with policies 21 (Delivering Sustainable Travel) and 22 (Durham City Transport) will also be required.

126. Furthermore, the policy seeks to reduce the dominance of car traffic and improve permeability with high quality bus, pedestrian and cycle routes within, and connecting to adjoining facilities through compliance with Policies 21 (Delivering Sustainable Travel) and 22 (Durham City Transport), and the Durham City Sustainable Transport Delivery Plan. The policy also notes that key to these should be a network of good-quality, multi-functional green infrastructure in accordance with Policy 26 (Green Infrastructure). Each requirement of the Policy above will be evaluated throughout this report against the proposals in order to assess if they would be considered acceptable.
127. Being considered under the CDP as a suitable housing allocation, the proposed location is, in principle, considered to promote sustainable patterns of development, capable of delivering attractive, well designed places and incorporating sustainable development principles and construction methods. The site would be viewed as contributing successfully to the delivery of new housing in the County in line with the CDP and Policy 4. As a housing allocation, CDP Policies 4 and 5 comprise those specific policies which accept in principle housing at the site.
128. The Sniperley Park allocation lies partly within the Witton Gilbert Parish area and as such the adopted Witton Gilbert Neighbourhood Plan (WGNP) applies to the relevant parts of the development affected. Policy 1 of the WGNP allows for development outside of the Witton Gilbert settlement boundary where it is allowed for in the Development Plan – the site is allocated under CDP Policy 4.
129. Consequently, this application receives support in principle from the County Durham Plan but this support in principle is subject to the detailed assessment of the specific proposals against the requirements embedded within Policy 5.

Masterplan

130. Sniperley Park was originally part of the Green Belt surrounding the City of Durham, considered today to form a function to check unrestricted sprawl of built-up areas, prevent coalescence of settlements, safeguard countryside from encroachment, preserve the setting and character of historic towns, and assist in urban regeneration priorities (NPPF Paragraph 138). As part of the CDP package to deliver the necessary numbers of new housings within County Durham to 2035, it was considered necessary for this for two sites around the City of Durham Green Belt to be released for new development, Sniperley Park forming the larger of two allocations. To achieve this

status, the CDP at Examination was thoroughly assessed by the sitting Inspector, and changes requested by them resulted in the Inspector endorsing the release of Sniperley Park from the Green Belt. As part of that assessment, the Inspector also endorsed the provisions contained with CDP Policy 5 in justifying the release of the site from the Green Belt and the exceptional circumstances that the CDP put forward for the allocation of Green Belt land for new development. The Council consider that the CDP, and the specific requirements of Policy 5 contained within, are up to date and fundamentally consistent with the NPPF. The CDP and its requirements therefore attract full statutory weight in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

131. A requirement of CDP Policy 5 is that the development should be comprehensively master planned. In June 2022, the Council adopted its own masterplan for the whole of the Sniperley Park allocation following consultation with the public, showing the vision of how the Council expects to see the delivery of 1,700 new homes along with associated services and facilities to create a vibrant and self-sustaining mixed community. The masterplan outlines that the Council expects proposals for Sniperley Park to be an extraordinary development that responds to its special location and character. It will be an exemplar of design excellence and strive to be a carbon neutral development through its use of renewable energy, excellent sustainable transport connections and the high standard of its housing. Sniperley Park will also provide opportunities to live well and nurture physical and mental wellbeing including through extensive and high-quality new parkland both within the site and on the remaining Green Belt for new and existing residents. The site will also be required to be supported by the infrastructure it needs to be a thriving community, including a new local centre, a new primary school, community building and significant highway improvements.
132. The applicant's made representation to the Council as part of the public consultation period for the masterplan as well as twin tracking their own draft masterplan. The primary concern raised related to the scope and delivery of on and off-site highways works as well as the wider infrastructure requirements of CDP Policy 5; however, several of these areas were covered by all parties at the Examination of the CDP whereby the Inspector following modification found the requirements of the Local Plan and Policy 5 to be sound. As the masterplan is adopted, been through consultation with the public, it will form a material consideration in the determination of this application. Having consistency with CDP Policy 5, and therefore the examining Inspector, the Council's masterplan is considered to carry significant weight in the decision-making process.
133. The development proposals currently put before the Council are formed from two separate planning applications covering different parts of the Sniperley Park allocation. Each application offers different levels of detail; full detailed permission for the western portion of the site adjacent to Sniperley Hall and the Sniperley Park and Ride, and outline to the remainder of the site. This frustrates the Council's ability to assess the cornerstone requirement of CDP Policy 5 that the planned urban extensions of Durham City are comprehensively master planned. Both parties who are involved in the submitted planning applications have also chosen to work together to produce a masterplan of their own. This was submitted to the Council in February 2022 informally as part of on-going discussion with regard to the planning applications.
134. In comparing the submission to the Council's adopted masterplan, several areas of difference are noted. These range from connections to and through the site, to the density of the built development, the details of which will be assessed elsewhere in this report. For example, the proposed development at the junctions of the B6532 with Potterhouse Lane and Trout's Lane forms a gateway feature for the wider development from the north and the arrival at the new edge of the extent of the city. This was reflected

within the Council's masterplan as part of providing an overall approach to the Sniperley Park allocation in elevating the importance of this entrance gateway into the City of Durham. Importantly, the piecemeal delivery of the proposals through separate planning submissions leads inexorably to question the ability of each to demonstrate how their proposals are capable of providing and delivering the infrastructure and service requirements of CDP policy and the Council's adopted masterplan.

135. Moreover, the Council's Corporate Property and Land team (CPaL) have raised concerns that elements of the proposed development, such as the proposed new primary school and portions of the linear park, which are proposed for delivery have not been finalised. CPaL state that they cannot support any proposals unless they are in accordance with the requirements of Policy of the CDP. The applicant disputes the Council's requirements with regards to the new primary school (see 'Education' below) and so no agreement has been reached on this aspect of the proposals. Officers consider that there is subsequently not realistic prospect of the delivery of the requirements of Policy 5 of the CDP. In failing to establish that the comprehensive delivery of the allocation would be achieved, the application is fundamentally at odds with the CDP Policy 5 and ultimately the rationale for the Green Belt release of the site as a sustainable and deliverable urban extension.
136. All of the above shows clearly from the outset that the lack of clarity upon delivery of on-site facilities, not assisted by the subdivision of the housing allocation in to separate planning applications, fails to comply with the requirement of CDP Policy 5 for Sniperley Park to be comprehensively master planned and key elements of the policy cannot be achieved as a result.

Sustainable Development

137. Sniperley Park is one of two sustainable urban extensions to the City of Durham proposed under the CDP (2020). In order to achieve that status, CDP Policy 5 sets out a number of site specific requirements needed from future development which are needed to achieve a sustainable urban extension, ranging from new on-site facilities to improved energy efficiency and strong connections to the surrounding locality. Policies 22 (Durham City Sustainable Transport) and 29 (Sustainable Design) are key supporting policies within the CDP to underpin the sustainable urban extensions.
138. The DCC masterplan seeks the delivery of a carbon neutral development through the use of renewable energy, excellent sustainable transport connections and a high standard of housing. This should include provision of onsite electric and non-fossil fuel based heat production, no gas connection and consideration of PassivHaus construction. Policy 5(i) requires the opportunity for a district heating network to be explored with respect to the surrounding area.
139. The submitted Wardell Armstrong Technical Note on District Heating discusses building emission reduction. It references the emerging Building Regulation changes and upcoming interim and then Future Homes Standard emission reductions that these would bring. It is accepted that adherence to the natural progression of Building Regulations and the emission reduction levels therein would meet and surpass the content of CDP Policy 29 (o); however insufficient information has been put forward to consider the requirements of CDP Policy 5 (i) for the provision of a district heating system. The physical viability as well as the economic viability have not been fully addressed in the planning applications and as such compliance with CDP Policy 5 (i) in that regard cannot be fully assessed.

Addressing Housing Need.

140. Policy 15 of the CDP, mirrored by WGNP Policy 2, states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy 15 of the CDP and Policy 3 of the WGNP. As this site is within a highest value area, this development would require 25% affordable housing in the form of affordable home ownership and affordable rent.
141. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. Both complement the overarching requirement of Policy 5 to incorporate an appropriate mix of house types and tenures to reflect housing need.
142. This application proposes the provision of 388 affordable units out of a total of 1,550 proposed, meeting the headline requirement of 25%. Furthermore, 66% of the total dwellings on site (1,023) would meet Building Regulations Part M4(2) accessibility standards and the site would propose 10% of homes that would be of a design and type that suitable for older people.
143. The above represents the policy requirements of the CDP with respect to major housing developments in this locality and is in compliance with Policy 15 of the CDP, Policy 3 of the WGNP and the NPPF.

Layout and Design

144. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 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. WGNP Policies 2 and 6 require new housing results in high quality sustainable design based upon robust analysis of the character of the built and local environments that contributes positively to place-making. Emphasis should be placed upon energy efficiency and incorporation of renewable and low carbon energy generation where viable.
145. Policy 5 of the CDP requires development of this site to be comprehensively master planned. Sites should deliver attractive, well designed places, incorporating sustainable development principles, adopting sustainable construction methods and using appropriate densities across sites in line with Policy 29. Design codes will be utilised to ensure distinctive, high quality design outcome for the site.
146. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice (outlined above) and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a

series of 6 questions having regard to the outline nature of the application. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. The scheme scored poorly, achieving 0 green scores, 0 amber score and 6 red scores following its assessment by the panel.

147. The Panel considered that the development did not provide adequate space to deliver all the required facilities and services that responds to the site context, that little evidence of developing character areas or producing a design code to guide detailed development had taken place, and that confidence in the spread of densities proposed could therefore not be transposed into high quality development at the detailed stage. Public transport penetration was also deemed to be insufficient, undermining the sustainable credentials of the connectivity of the site.
148. Policy 5 (a) sets out the basic requirement for the Sniperley Park allocation to be a sustainable urban extension to Durham City. This key aspect formed the basis for the release of the site from the Green Belt and the acceptance by the Planning Inspector at examination of the exceptional circumstances for doing so. Sniperley Park should act as a focal point for community activity, have access to retail, small office businesses, restaurants, cafes and pubs to facilitate a viable and vibrant community. To support residents in this a health centre as well as a primary school (Policy 5 (b)) and its associated playing fields are to be provided and available for use. Relevant structural landscaping will be required as part of the wider site design (Policy 5 (c)) as well as incorporation of sustainable water drainage management (Policy 5(d)).
149. The key to achieving the objectives above was the overriding requirement of CDP Policy 5 is that the allocation is master planned as a whole. The Council has adopted its own masterplan for the allocation, and this forms a material consideration of significant weight in the decision-making process. The applicants, through the submission of an outline planning application, have sought to provide a partial masterplan for most of the site, excluding land at the western extreme of the allocation around Sniperley Hall and Farm. This application proposes up to 1550 dwellings and the Bellway scheme 370 resulting in a total a of 1920, significantly over the 1700 yield referenced in CDP Policy 5. It is acknowledged that the 1700 yield is an estimation within the CDP but there must be confidence that across the allocation as a whole the number of dwellings proposed can be acceptably accommodated and without unacceptable design compromises - particularly in the context that a development of exemplar design quality and sustainable development is expected at Sniperley Park by CDP Policy 5. Without provision of a suitable design code, detailing different character areas as well as suitable provision of all the required facilities and services in a form that responds to the site and its context, this application cannot be assessed appropriately.
150. The total development cell area is presented in the application as 41.84ha and with 1550 homes proposed this results in a density of approximately 37 dwellings per ha. Whilst it is acknowledged that higher density development can be appropriate where locations are or are made sustainable, this is also a site released from the Green Belt which bleeds into the countryside. The overall site housing numbers proposed and densities in areas raise concern that at the reserved matters stage unacceptable design compromises could be likely with cells of development failing to achieve the necessary generosity of space to create an environment of high quality design without a suitable design code as required by Policy 5 of the CDP.

151. CDP Policy 29 also requires, in relation to major, non-residential development that the BREEAM minimum rating of “very good” must be achieved. The submitted Sustainability Checklist highlights that further details will be provided at the reserved matters stage. Whilst accepting that the non-residential elements of the development are applied for in outline only it should be noted that to achieve BREEAM ratings, consideration to it must be given at the early stages of development to avoid problems with achieving credits farther down the line. Any planning permission would be likely to be subject to a condition requiring that the reserved matters development achieves the required BREEAM rating.
152. It will be noted that a vehicular link through to the Bellway site is absent. In the absence of such a link this will affect public transport provision and access for the allocation as a whole. This further links to the comprehensive master planning requirement, fundamentally affecting the connectivity and sustainability credentials of the proposed development. Other connection issues are noted with regard to the positioning of the roundabout access from the A167 reducing bus service permeability into the site and placing more homes at greater distances from bus stops. This also conflicts with the requirements of the Council’s Masterplan which has this junction as a new roundabout and the formation of a gateway feature into the Sniperley Park allocation from the north.
153. The Council’s adopted Healthy Active Travel Connectivity Plan contains various measures to promote sustainable connections and healthy lifestyles across the allocation. The applicant has committed to principle of the circa £142,000 (drainage) and £410,000 (lighting) improvements contained within the Plan. However, there are specific elements which have not been the subject of a commitment from the applicant. A mobility hub which forms a part of the DCC Masterplanning work and is included within the Healthy Active Travel Connectivity Plan is not proposed. It is also unclear what is proposed in terms of any underpass (to the A167) improvement is proposed to match the requirements of the DCC masterplan. Elsewhere, cycle and ped links are shown as shared use and not segregated, as would be best practice. The connections across Potterhouse Lane to the compensatory open space were noted and welcomed.
154. Masterplanning of the site is required to ensure the delivery of the local centre as part of the allocation. Many existing services and facilities are some distance from the site, in excess of 1.5km, the local centre delivery is therefore fundamental. Discrepancies in the floorspace of the various uses proposed for the local centre are present across the submission. The submitted Planning Statement at paragraph 3.16 which cross references to the submitted land use parameter plan suggests the local centre (use class E/F2) would be a maximum of 750m². Elsewhere such as within the ES Chapter L Appendix there is reference to greater provision with 750m² retail, 530m² GP/chemist and 530m² for restaurant proposed. Added to this is unresolved agreement between the applicant and the Council over the commitment of the applicant to the level of provision required to be provided on site. The applicant’s submitted draft masterplan for the allocation proposes 3 broad phases to the delivery of the site; however, inconsistencies in the submission remain and the timeframe for the delivery of the required school on site is left uncertain. Without this robust assurance from the applicant to meeting the needs of the proposed development and the existing community, the Council have unresolved concerns that the floorspace proposed for the Local Centre could be insufficient to adequately serve the development.
155. The same concerns apply in regard to the replacement and reconfigured playing pitch. The provision proposed is of adequate size both in terms of the dimensions of the pitches themselves and also in respect to their layout ensuring that there is adequate space so that they function adequately as a collective (see Public Open Space below).

156. The arrangement of the local centre layout to the submitted indicative plans was highlighted as a concern, the DCC masterplan has an approach whereby the local centre forms a more linear extension as a street either side of the B6532. This is considered to bring a more coherent sense of place to the masterplan and also provide an obvious hierarchy to the development and streets of the immediate area. A thorough Design Code to guide detailed development of the site should be submitted. Such a design code is referenced in the supporting justification of CDP Policy 5. Whilst it is noted that the applicant team have cited examples where Design Codes can be agreed under condition at a later date, it is considered in this case the outline stage is the most appropriate juncture to use a design code in order to set guidance and parameters for the reserved matters. A design code would provide the means to present how the development will achieve a character and sense of place which responds to the site context or be otherwise distinctive.
157. Landscape character areas are squeezed by development cells; built development character areas are poorly grouped in places; insufficient detail has been provided in regard to outward-facing development in and around cells; street hierarchy detail is required in the design code; public square areas and their position require further consideration; and how the B6532 corridor is treated by the development cells are all areas of concern with the proposed masterplan. No design code has been submitted contrary to CDP Policy 5.
158. Overall, the development provides a total of 78.96Ha out of a total of 120.8Ha of the site to access roads and open space in the form of a linear park and compensatory habitat for green belt release. CDP Policy 5 (g) requires a 'linear park' be provided through the site from north to south, centrally positioned and connecting the site and its surrounds through green infrastructure. Existing woodlands and tree groups are incorporated in the main across the allocation with some exceptions; however, this linear park has become constrained in places, such as the interface between the two planning applications and which forms key route from the bulk of the allocation site towards the Park and Ride and the City centre. The Council's adopted masterplan for the site provides for a more generous linear park linking the Park and Ride area to the remainder of the allocation site, as was the expectation in the proposals contained within the then emerging Local Plan.
159. Between the Hall and Sniperley Farm running into the overall site to the north of the B6532 is a line of overhead powerlines which are held by pylons that run south west to north east through the site tuning south east at the point of the proposed new access to the A167. The DCC Masterplan requires development to establish clear space for their provision and keep vehicular routes to perpendicular junctures to avoid emphasising their presence. This development, through the provision of a higher density, squeezes the linear park in some locations and pushes the built development close to the overhead structures. In essence, the linear park ceases to present as a wide, open public space and more of a tight, building dominated pinch point that is further impacted by the need for SuDs related features. Consequently, the benefits of this space as a linear park of publicly accessible open space are significantly reduced. This issue is exacerbated particularly with the added dynamic of inability to control this element of the linear park against the wider allocation due to the piecemeal approach to planning application submissions.
160. As a green belt release allocation in the development plan this site was recognised to represent an opportunity for a development of exemplar design quality to flank the main urban area of the County. It was not intended to be, nor was it promoted as, an "anywhere" modern housing estate. CDP policies have been adopted by the Council to this effect and while these proposals are indicative in their presentation, concerns are harboured that the development proposed at this stage fails to meet the requirements

of the policies regarding sustainable design (Policy 29), green infrastructure (Policy 26), sustainable transport (Policies 21 and 22), water management (Policy 35), landscape (Policy 39) and trees (Policy 40). Also, the proposals fail to meet the requirements of Policies 2 and 6 of the WGNP as a result. Forming part of the sustainable urban extension to the City of Durham, the further requirements of CDP Policy 5 relating to Sniperley Park that build upon the aforementioned policies are equally not met and contribute to a below par development that does not meet the requirements for high quality design compulsory of the CDP.

Landscape and Visual Impacts

161. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Those developments affecting Areas of Higher Landscape Value (AHLV) would require a higher bar of conserving and where possible enhancing the special qualities of the landscape where benefits clearly outweigh harm. WGNP Policy 6 builds upon this requirement to ensure that new development responds local landscape character.
162. Policy 5 (c) requires development of Sniperley Park to include structural landscaping along the A167 and the southern edge of the new road from the A691 to the Pity Me roundabout to ensure suitable screening and that perception of an extension to Durham City is minimised. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
163. Landscape impacts would be experienced both at nearby locations and across the wider area. The effects of development at site level would be transformative. The principal woodland structure would be retained with a substantial proportion of open land developed as housing. Landscape Officers would assess the effect during construction and following development as high and adverse to a landscape sensitivity varying from low-medium to medium. This would result in the overall effect upon the landscape being assessed by officers as moderate significance to moderate-major significance.
164. The site is visible at close quarters from the rights of way network crossing the site and the B6532. The eastern part of the site is visible in places through roadside vegetation from the A167. The southern part of the site is visible through and between trees from Footpath 9 (Witton Gilbert) west of Sniperley Farm and in shallow views from the A691 east of the fire station. The northern part of the site is visible in places from the grounds of Lanchester Road Hospital, from Potterhouse Lane and from the B6532 north of the site. It is visible from parts of the footpath network north of Potterhouse Lane and in panoramic views from Browbank at the top of Findon Hill to the north.
165. The effect on the wider local landscape – the western valley terraces running west towards Findon Hill – during and following completion would be likely to be of a broadly medium magnitude. Views back across that area are generally shallow and screened in places by existing features. Effects would depend on the interplay between any advanced planting in the compensatory improvements area and the rate of build out. After completion the effect would diminish over time as landscape features matured. There would be deeper views from localised public vantage points on Findon Hill where a more extensive tract of roofscape would be remain visible in the longer term. It would

be seen in close visual associated with the wider roofscape of the city but would be a notable extension to that; however, the overall effect upon the landscape would be assessed by officers to be of moderate significance falling to minor as the development matures. Effects on the character of the wider landscapes of the Western Valley Terraces would be negligible.

166. There would be no direct effects on the AHLV or Historic Parkland to the west. Developed in isolation the proposals would be visible in close views from the AHLV and detract from its scenic quality and setting. Development of the adjacent site would more fundamentally alter its character. The proposals would have no direct effect on the locally listed park but would affect its setting being visible through trees along its eastern edge. Excluding these areas of the allocation would exact some residual harm upon the adjacent AHLV and Historic Parkland without fully addressing these impacts or being able to control the impacts generated by development outside this application site. This, despite the status of the application being in outline, is considered to depart from the principles of CDP Policy 5 and a need for proposals to have regard to the entirety of the allocation, together with the Council's masterplan.
167. Regarding the indicative layout there are some areas of crucial concern which, will, if transformed into a development on the ground, have implications for the overall quantum of built development proposed by the scheme. Insofar as the applicant has put forward indicative proposals to inform the current application it will be noted that whilst some streets have been designed in places with street trees in the public realm, the indicative layout shows there would be a reliance in other areas on what will have to be small trees in small private front gardens / forecourts. The longevity of features in small private plots is insecure. While this might be appropriate in tertiary streets, Landscape Officers do not consider it appropriate for primary or secondary streets in the overall layout. Much of the primary street is shown with little tree cover and a poorly resolved and inconsistent approach to design. In some cases this could be addressed without changes to the layout. In other cases, there is insufficient space for trees and design improvements would materially affect numbers of dwellings that could be appropriately accommodated.
168. In several of the housing cells that interface with the public open space (POS), and those routes through the housing to them, those edges are largely restricted to private shared drives over which there is no public right of access and which results in poor permeability and potential conflict between neighbours. This could be resolved by altering this to a detail where adopted highways run through to the open space frontage; however, again this would be likely to have consequences for the numbers of properties.
169. The route of the proposed southern access road brings it close to the edge of the development at a point where the layout proposed to the south provides only a narrow corridor of POS. At its narrowest it does not now form part of what might be reasonably described as a linear park. Further connectivity issues are visible in the indicative layout west of the B6532. The impact of changes to all of these areas would likely have implications for the number houses proposed on the site.
170. As a result, Landscape Officers consider that the proposals would cause harm to the character, quality and distinctiveness of the landscape at the level of the site and immediate local landscape resulting in moderate landscape effects with regard to CDP Policy 39 and WGNP Policy 6. While some harm is implicit through the site's allocation for development, if this site is delivered in isolation, it would detract from the scenic qualities and setting of the AHLV through being visible in close quarters. The proposals have been designed to mitigate effects appropriately, with the exception of the north west corner gateway, and overall there would be unavoidable residual effects at the site

level. The result is failure of the application to meet the requirements of CDP Policy 5 and the Council's masterplan.

Heritage and Archaeology

171. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Policy 5 (e) links into this policy to a degree, ensuring that the design of development in the vicinity of Sniperley Hall and Farm having regard to their character and setting, recognition of the area as a Historic Park and Garden of Local Interest.
172. CDP Policy 45 seeks to ensure that developments within the World Heritage Site (WHS) sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances. The supporting text to the policy states that where a development proposal leads to less than substantial harm to the significance of the WHS, that the harm should be weighed against the public benefits of the proposals. Policy 5 (f) specifically requires any visual association with the WHS should be given special regard to reflect its significance.
173. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
174. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
175. A search area of 2km was used to identify designated assets, with a search area of 500m for non-designated assets. Within the 2km study area, there is one registered battlefield, three scheduled monuments, three grade II* and 43 grade II listed buildings and one conservation area. No designated assets are located within the Site boundary. The World Heritage Site of Durham Castle and Cathedral lies outside of the 2km search area; however, this asset was included within the assessment due to the scheme lying within the wider zone of visibility of the Cathedral tower and therefore aspects of views and visibility were taken into account. The Site lies within the boundary of a locally listed park, Sniperley Park, a 19th century small, country estate with the associated non-designated assets of Sniperley Hall and Sniperley Farm adjacent.
176. Design and Conservation consider no impact upon The Marquis of Granby Public House (grade II), the Farmhouse (grade II), Cottage and Stables (grade II) at Kimblesworth Grange, Fyndoune (grade II), Aykley Heads House (grade II*), the Gate piers and wall at County Hall (grade II), Western Lodge and Grey Lodge (jointly listed at grade II), the

gateway and railings at the entrance to Western Lodge (grade II), Bearpark Hall Farmhouse (grade II), and Durham City centre conservation area.

177. Impacts upon sites further afield but of increased significance like the WHS and Neville's Cross Battlefield are considered to be of 'no impact / neutral' as detailed within the Cultural Heritage section of the Environmental Statement. Furthermore, the Grange and Chapels at Bearpark to the west of the application site are equally considered to have no impact / neutral impacts from the proposed development. It is acknowledged that there will be a range of impacts that are temporary which would occur during the construction phase of the development. These findings are accepted by the Design and Conservation Team.
178. In respect to archaeology, the application is accompanied by a geophysical survey which identified possible soil-filled features of uncertain age and origin, former ridge and furrow cultivation, former field boundaries and landscape features and land drains. The submitted Environmental Statement acknowledges the presence of the above features and that while these features would be mitigated through proposed fieldwork and written recording in line with the Council's required procedures, their loss would still occur and as such a moderate adverse impact result. This impact is considered to be less than substantial when assessed against the development plan.
179. In conclusion, the proposed development would be considered to have limited to no harm upon non-designated heritage assets in the vicinity of the site. Impacts upon the WHS and Neville's Cross battlefield are considered neutral. As such the proposals would be considered to follow the requirements of CDP Policy 44 and Paragraph 203 of the NPPF.

Highway Safety and Access

180. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 22 of the CDP seeks a modal shift in transport modes for Durham City to reduce car dominance and address air quality issues. WGNP Policy 2 requires new housing development to have safe access for all modes of transport.
181. Policy 5 (l) builds upon the above CDP overall policy requirements to reiterate their importance in delivery with regard to on-site and off-site highway improvements and their co-ordination as part of a comprehensive masterplan for Sniperley Park. The policy also directs where some off-site improvements should be made, but not limited to subject to proper assessment. These include improvements to junctions of Trout's Lane, Potterhouse Lane and the B6532; a new link between the B6532 and the A167 Park and Ride roundabout; and capacity improvements along the A167 corridor from Neville's Cross to Sniperley, including improvements to Sniperley Roundabout.
182. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required, with revisions requested during the course of the application to date to allow the impacts of the multiple applications to be assessed given that they are intrinsically linked. This revised submission included the TA's taking account of the other applications, with a

joint methodology, trip rates and other assumptions. The TAs would be taken in assessed in conjunction with a selection of supporting documentation produced by the Council into the site, the wider highway network and in support of the CDP. Similarly, the findings of the Examination in Public into the CDP during the adoption process resulted in critical changes for the Sniperley Park allocation.

183. During the examination, the Inspector sought to omit the need for the provision of the northern and western relief roads owing to their harm against a backdrop of limited benefits, including the facilitation of Sniperley Park allocation. The result, the Inspector found, was to focus any highway improvements to the existing local road network to ensure that the Sniperley Park development could be provided with safe and suitable access, stopping short of specific mitigation. In the round, the allocation of Sniperley Park for development so close to Durham City Centre represents an opportunity to maximise the use of sustainable modes of transport as a genuine alternative to the private car.
184. As a result, the development of the Sniperley Park allocation when assessed against NPPF paragraphs 110, 111 and 112, as well as Policy 5 of the CDP, the development is considered to be broadly acceptable in principle from a Highways perspective. However, further discussion is required around proposed mitigations, planning obligations and compliance with the DCC Masterplan, especially around the location of the proposed site access to the A167.
185. Nothing on the A167 south of Sniperley roundabout have been assessed as agreed with the applicant at the scoping stage. Issues of queue and delay south of Sniperley roundabout, especially around Toll House Road and Neville's Cross are well documented. DCC has previously commissioned a study by Aecom (A167 Corridor 'Option Development and Transport Modeling Results' (March 2018)) to consider what, if any improvements could be made to the A167 around Toll House and Neville's Cross. The link between Sniperley and Neville's Cross current carries between 22,000 and 25,000 vehicles on any given day (taken from DCC counts between 2010 and 2021).
186. While 1,920 dwellings on Sniperley is a significant amount of housing, once trips from the site (880 in the peak hours) are assigned onto the network, the increase in trips onto the A167 going through Toll House and Neville's Cross from this development, would represent a very small percentage increase against the existing traffic flows. This was acknowledged by the Inspector at the Examination of the Durham Plan who noted in his report: "*the increase in traffic expected from the full development of Sniperley Park would represent a modest proportion of the total amount using these junctions at peak times.*"
187. Taking total traffic flows in 2035, assuming that Sniperley Park is completely built out to 1,920 dwellings, the total flows which would be anticipated heading south of Sniperley roundabout would be circa 2,360 vehicles in the peak hours. Of this, around 140 of these would be vehicles from the Sniperley Park development. This would equate to just over 5% of the total traffic flow being as a result of the overall Sniperley development. Given the existing issues at Toll House Road and Neville's Cross, any request for this development to address those issues, given the relatively small additionality of traffic in the peak hours (circa 5%) to queue and delay at Toll House and Neville's Cross that traffic from this development would make, would not be considered to meet the tests for securing off-site mitigation under the Community Infrastructure Levy Regulations (2010). These being: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

188. Subject to future planning permissions, DCC has aspirations to bring forward a new Park & Ride (P&R) facility at Stonebridge, and an extension of the P&R at Sniperley. The P&R facility at Stonebridge would be expected would take circa 800 vehicular trips off the network per day which would have otherwise gone through Neville's Cross. The extension of the P&R at Sniperley would remove circa 1000 trips off the network, many of which would have otherwise continued South towards Durham and ended up at Neville's Cross. At Sniperley, a link would be made from the proposed housing site, through to the P&R for pedestrians and cyclists. This would satisfy the requirements of Policy 5(k) in principle.

Local Highway Network Impacts

189. The Sniperley Healthy Active Travel Connectivity Plan (August 2021) has been commissioned by DCC as part of its work into an overall masterplan for the Sniperley Park allocation. The purpose of the plan is to identify and assess practical options to the connecting the Sniperley Park allocation, both outward and inwardly. A Health Impact Assessment (HIA) was undertaken for the CDP and it identified a number of recommendations of relevance to the Sniperley Park allocation. These included promoting and prioritising sustainable modes of transport as a healthier approach, which is the purpose of the document. The Connectivity Plan identifies several active travel routes from the Sniperley Development site to key destinations, such as shops, schools and greenspace. As such, the Plan supports the recommendations outlined in the HIA.

190. In support of the application, the applicant is seeking to implement a Framework Travel Plan, and eventually a Full Travel Plan, and has set aspirations for this Travel Plan to lead to a 5% modal shift away from the private vehicle towards more sustainable modes of transport. Any Travel Plan would be secured through the S106 agreement for the site, and set legally binding modal shift targets, and the Council's Sustainable Travel Team would continue to work with the developers to proactively seek modal shift from the private car to more sustainable modes. The result of this requirement is that trip rates of vehicles generated from the development during peak hours have been reduced by 5% accordingly and it is these figures which have been used to assess impacts upon the wider highway network.

191. Eight junctions on the A167 and A691 corridors have been modelled. Each of these is considered below. The revised joint TA has assessed 6 scenarios to reflect the fact that there are two separate landowners and planning applications, ranging from a 2021 baseline to fully built-out Sniperley Park and other developments considered relevant.

192. A167 / A691 / Dryburn Park Roundabout (Sniperley Roundabout) - In the scenario 'Total 2035' (1920 dwellings) is built out, Sniperley roundabout is expected to be operating over capacity (RFC 1.02) by 2035. While this is marginally over the design capacity (RFC 1.0), and over the idealistic RFC 0.85, it is considered that there are far wider benefits to the network of signalisation of Sniperley, the anticipated potential mitigation option for this junction. Where a roundabout has a dominant arm, this causes queues on other legs and has a knock on affect back to other junctions. In the case of Sniperley, queues on the Dryburn Park ('Blackie Boy') roundabout often result as traffic trying to enter the Sniperley roundabout have to wait for a gap in the traffic as a result of other traffic from the A691 and A167 moving across the roundabout. Signalisation of the Sniperley roundabout would enable queues currently experienced on the A691 link, the A167 link, and the Dryburn Park links to be given a green time to clear where currently they have to wait for gaps in the traffic, bringing a benefit over the existing unsignalised arrangement. Therefore, as part of the required off site highways works (S278 of the Highways Act), the applicant has proposed the signalisation of the Sniperley roundabout and would pay for the works, which would be secured through planning obligation

(S106). This would satisfy CDP Policy 5(l), which sought improvements to the Sniperley roundabout.

193. A167 / Front Street / Potterhouse Lane Roundabout (Pity Me Roundabout) - This junction currently works within capacity in the baseline 2021 scenario with a maximum RFC of 0.82 experienced on the A167 North leg (southbound to the roundabout) in the AM peak. In the Total development scenario in 2035, this junction is approaching capacity in the AM peak on the A167 North leg, experiencing an RFC of 0.9. However, this is still within design capacity, and is only marginally over the RFC of 0.87 which would be seen in the 2035 scenario without development. This shows that the Sniperley traffic does not have a significant impact on this junction and not mitigation is proposed or requested.
194. A167 / Park and Ride Roundabout - In the baseline 2021 scenario, the maximum RFC is shown as 0.54 in the AM peak on the A167 North leg (southbound traffic). This roundabout would be reconfigured as part of the development, to provide an additional leg to service the proposed development. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.75. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction. As part of the development of the allocation site, the existing B6532 would split with the road continuing to the Dryburn Park ('Blackie Boy') roundabout, but also a second 'fork' of the road would take traffic directly to the park and ride roundabout as required by CDP Policy 5(l). It is considered that this would help to relieve some of the existing incidence of queue and delay at the Dryburn Park ('Blackie Boy') roundabout by taking traffic which currently goes through that junction to get to the A167, to the A167 via the park and ride roundabout instead.
195. A691 / Park and Ride Roundabout - In the baseline 2021 scenario, the maximum RFC is shown as 0.54 in the PM peak on the A691 Southeast leg (westbound traffic) resulting in the junction working well within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.6. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction.
196. A691 / Trouts Lane Junction - In the baseline 2021 scenario, the maximum RFC is shown as 0.52 in the PM peak on the A691 / Trouts Lane right turn (westbound traffic). So, in the baseline 2021 scenario, the junction works well within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.69 in the AM peak. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction. Since 2015 there has been a recorded 'fatal' accident at this junction. However, it is noted that the proposed submission for this junction is for it to remain as a priority junction, which fits within the above modelling requirements and so no harm would be demonstrated with regard to highway safety and Policy 21 of the CDP and NPPF Paragraph 111.
197. B6532 / Front Street / Dryburn Park ('Blackie Boy') Roundabout - in the baseline 2021 scenario, the maximum RFC is shown as 0.61 in the AM peak on the B6532 Northwest leg (southbound B6532 traffic). So, in the 2021 scenario, the junction works within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.74 in the AM peak on the B6532 Northwest leg. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction.
198. B6532 / Potterhouse Lane Junction - in the baseline 2021 scenario, the maximum RFC is shown as 0.58 in the PM peak on the Potterhouse Lane right turn (north/west bound

traffic). So, in the 2021 scenario, the junction works within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.69 in the PM peak on the Potterhouse Lane right turn. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction. Since 2015 there has been a recorded 'fatal' accident at this junction. However, it is noted that the proposed submission for this junction is for it to remain as a priority junction, which fits within the above modelling requirements and so no harm would be demonstrated with regard to highway safety and Policy 21 of the CDP and NPPF Paragraph 111.

199. B6532 / Trouts Lane Junction - in the baseline 2021 scenario, the maximum RFC experienced at the B6532 / Trouts Lane junction is 0.92 on the Trouts Lane right turn (south / east bound traffic) in the AM peak. In the without development scenario this RFC has risen to 1.01 for the left turn (Sacriston bound), and 0.98 for the right turn (Durham bound) in the AM peak. As a result, even without traffic from the Sniperley Park site, the junction is operating at capacity. In the Total development 2035 scenario, the addition of the full Sniperley traffic pushes the RFCs in the AM peak to 1.01 for the left turn and 1.07 for the right turn resulting in the junction still operating over capacity, but this is made only marginally worse due to the addition of Sniperley traffic. The applicant has put forward a mitigation scheme at this junction to reduce the impact of traffic on the operation of the junction.
200. The proposed access junctions to the site have also been assessed as part of the TA. As these junctions are yet to be constructed, they would be designed to carry the expected levels of traffic in the Total 2035 scenario and beyond, and modelling shows a maximum RFC of 0.67, well within design capacity.
201. Overall, with the mitigations to the junctions as proposed, it is considered that the impact of vehicular traffic on the operation of local highway network junctions as a result of this development would be acceptable. However, this alone is not a measure of the acceptability of the development as a whole, and other methods of transport, and the impact of the development on those, also needs to be considered. T

Public Transport, Walking and Cycling

202. The Council's Accessibility and Network Planning Team have assessed the applications and considered their requirements for Public Transport provision for the site. It is noted from the planning application, that the proposed access point directly onto the A167 to the southeast boundary is situated approximately 400m further south on the indicative plans in the planning application, compared to the Council's Masterplan. This has a significant impact on both bus penetration across the site, especially from the Arnison and Mercia District Centre. However, it also has a significant impact on the accessibility for residents to bus provision.
203. It is considered that the location of the access as per the Council's Masterplan brings a considerable benefit in bringing a higher number of future residents closer to public transport provision. It is therefore considered for reasons of accessibility to public transport, and sustainability, that the current planning applications should amend the location of the proposed vehicular access onto the A167. Without amendment, consideration should be given to the inclusivity of the proposals to meeting sustainable transport means and the requirements of the CDP and NPPF in promoting health lifestyles.
204. To deliver a suitable bus service for the whole Sniperley site, a service which operates on the proposed link between the A691 and B6532 would be required. This would require an appropriately specification road link between the two planning applications

submitted across the Sniperley Park allocation to meet the requirements of CDP Policy 5 and to reflect the Council's Masterplan.

205. The requirements of the Accessibility and Network Planning Team have been broken down into three proposed phases, to match the proposed phases of the development put forward by the applicant. When discussing buses per hour below, the number refers to the number of additional buses each way per hour.
206. Phase 1 (415 dwellings) - The frequency of the services on the B6532 should be increased by 2 buses per hour in the AM/PM peaks and school travel times. A new dedicated service should be introduced operating to and from the Arnison Centre with a minimum frequency of 2 per hour Monday to Saturday daytime, and 1 per hour evenings and Sundays. Initially, before the link between the B6532 and A167 is constructed, this service should operate to/from Arnison via Dryburn Park roundabout / Framwellgate Moor Front Street. The trigger for the introduction of this service is to be confirmed. To facilitate the dedicated Arnison Centre service, a new temporary bus turning facility must be provided at the northwest extent of the Phase 1 land. The provision of 2 pairs of bus stops with full complement of infrastructure which would be required to be positioned in optimal locations on the B6532 adjacent to the Phase 1 development pockets. Full details of the bus stop and associated infrastructure specification must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team. Spacing must take into account housing distribution and be designed to minimise walking distances from the greatest number of units.
207. Phase 2 (numbers of dwellings to be confirmed) - Services operating direct to/from Durham on the B6532 would be required to be increased to 6 per hour Monday to Saturday daytimes, and 2 per hour evenings and Sundays. To support this, a pair of bus stops with full complement infrastructure, would be required on the B6532 towards the western extent of the Phase 2 build out. Locations/full details of the bus stop and associated infrastructure specification must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team. Provision of a permanent turning facility which would be provided at the northwest boundary of the build out would also be required. Again, locations/full details of this must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team.
208. Phase 3 (numbers of dwellings to be confirmed) - Following the construction of the new link road between the B6532 and A167, the dedicated Arnison Centre service would be re-routed. The link road should follow the alignment as set out in the Council's Masterplan. This would also require the site access on the A167 to be located as per the Council's Masterplan rather than as shown indicatively in the application. To support the Phase 3 bus service, the provision of 2 pairs of new bus stops with full complement infrastructure would be required on the link road between the B6532 and A167. Full details of the bus stop and associated infrastructure specification must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team.
209. The location of the Sniperley allocation puts it in the ideal location to maximise the use of sustainable modes of travel. The proximity to Durham City Centre, and neighbouring residential areas such as Pity Me, Sacriston and Witton Gilbert, mean that with improvements to infrastructure for walking and cycling, and alternative modes of transport to the private car, it would be a viable and attractive proposition for residents. This was an important consideration in the decision to promote the wider allocation for residential development. The Council's Healthy Active Travel Connectivity Plan for the Sniperley development site seeks to promote the use of these methods of transport and healthy lifestyles while addressing key issues linked to specific issues affecting County Durham and the northwest area of the city. In addition, in 2019 Durham County Council declared a climate emergency and pledged to: reduce carbon emissions from Durham

County Council's operations by 80% from 2008/09 levels by 2030, making significant progress towards making Durham County Council and County Durham as a whole carbon neutral; and to investigate what further actions are necessary to make County Durham Carbon Neutral by 2050 and pledge to achieve this.

210. Therefore, as well as the obvious health benefits, and benefits of linking Sniperley into existing communities, making provision to maximise the use of more sustainable modes of Transport, especially in relation to walking and cycling, would bring additional benefits of aiding towards making Durham carbon neutral.
211. The Connectivity Plan identifies several active travel routes from the Sniperley development site to key destinations, such as shops, schools and green space. The Connectivity Plan illustrates the significant opportunities for active travel within and surrounding the Sniperley development site. A full list of sustainable infrastructure improvements and costings is identified within the plan. Works would be secured by S278 agreement and/or condition/S106 agreement. Some funding for implementation of these measures has already been secured through external funding sources, with the developer to fund the remaining schemes. The provision of footways connecting residential units to local amenities is essential for the facilitation of pedestrian movements. The five key principles for the design of pedestrian infrastructure are coherent, direct, safe, attractive and comfortable.
212. New and improved cycle infrastructure would improve connectivity for cyclists within the site and to surrounding key destinations. This would also accommodate a forecasted growth in cyclists by addressing gaps in the existing network. Traffic calming would deliver an increase in cycle trips on residential streets, connecting to local amenities, where cyclists would be safely integrated with motor traffic. New or upgraded crossings facilities would improve connectivity and safety for both pedestrians and cyclists. New provision of crossings would provide increased directness between origins and destinations. Installation of secure cycle parking facilities would deliver cycle parking at strategic locations throughout the development to encourage active travel.
213. During the course of the application to date, some of the proposed mitigations contained within the Healthy Active Travel Connectivity Plan have been challenged by the developer as to whether they are necessary to make the development acceptable in planning terms. It is, however, the view of the Council's Sustainable Travel Team that the provision of all the mitigations contained in the plan would be necessary to maximise the potential for travel by sustainable from residents of the site, and that these should be secured through the planning permission and provided by the developers. It is considered by Officers that the holistic programme of measures set out with in the Healthy Active Travel Connectivity Plan would be needed to meet the requirements of the CDP, WGNP and the NPPF in order to achieve sustainable, inclusive development. These are not proposed to in their entirety and as a result the proposals are contrary to Policies 5, 21, 22, 26 and 29 of the CDP and Parts 8, 9, 12 and 14 of the NPPF.

Amenity and Pollution

214. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. CDP Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. 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.

215. There is potential for impacts from the wider surrounding area upon the new residents of the proposed development. This aspect, as well as other areas of potential impacts upon both existing and future occupiers of the site and its surroundings have been assessed by the Council's Environmental Health and Consumer Protection Team. Submitted documentation in regard to noise are considered to use acceptable methodologies in their assessments of the proposals. Officers consider that the overall impacts upon existing residential occupiers following the completion of the development would not be considered significant.
216. There is the potential for disturbance during the construction period, therefore, it would be necessary to ensure that all phases of the proposed development are subject to a requirement of construction management plan to deal with construction related impacts. Subject to the imposition of such conditions and the controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the conditions would be imposed to mitigate any significant adverse impacts.
217. Air quality is a fundamental issue which is increasingly causing residents close to new developments concerns. In addition to CDP Policy 31, the NPPF under Paragraph 180 provides protection against new developments causing impacts of pollution upon health and living conditions whilst Paragraph 186 advises more specifically in regard to air quality including those 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 wider area both local to the site and the impacts within the city in the Air Quality Management Area (AQMA). At the operational phase of the development, the submitted assessment notes that the predicted concentrations of NO_x in predicted future years is above threshold and would present a 'moderate adverse' impact within the AQMA at Leazes Road (R7). No assumptions have been made with regard to the reduction in internal combustion engine vehicles and likely impacts upon NO_x emissions by the applicant. Therefore, the impacts within the AQMA will be required to be mitigated in accordance with the requirements of Policy 31 of the CDP.
218. The ES submissions include mitigation measures for the operational phase that would comprise of a travel plan and cycling and pedestrian pathways to encourage sustainable transport modes, green infrastructure to absorb pollution and increase deposition rates and provision of EV charging points with 10% of all car parking spaces proposed. While this would be considered to mitigate the proposed development to a degree, it is not in keeping with the Council's Masterplan and the Healthy Active Travel Connectivity Plan for Sniperley Park, which among other areas looks to provide EV parking to all buildings and dwellings.
219. In terms of the construction phase, Environment, Health and Consumer Protection Officers query the lack of any detail for mitigation of impacts associated with demolition of buildings across the allocation. This is added to the significant potential for dust as a result of the proposed development which will require mitigation, as outlined by the submitted ES. Proposed mitigation measures are outlined, and these will need to be secured by way of condition to ensure the development is constructed with minimal impacts on those residents nearby.
220. The development is likely to lead to impacts upon air quality, noise, dust and vibration if not controlled by appropriate means or appropriate mitigation is secured. The level of this mitigation and whether it would be capable of mitigating the impacts of the

development is unclear at this stage. Furthermore, the mitigation strategy proposed to date would not be considered to meet the requirements of the Council's Masterplan and Connectivity Plans. The proposals would therefore result in conflict with CDP Policies 29 and 31 as well as Parts 12 and 15 of the NPPF without the necessary level of detail required to mitigate the impacts of the proposed development.

Ecology

221. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. WGNP Policy 7 builds further upon these requirements requiring the integration of biodiversity into new development, off-setting losses where necessary. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
222. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
223. The application is required to achieve net biodiversity gain across the site, and the application is accompanied by a report detailing that when the above is implemented the development would achieve a net gain of 29.12% for area habitats and 19.34% for hedgerow habitats. However, there are discrepancies between the submitted master plans accompanying the application and the net gain metric. For example, areas of the site are shown as both amenity grassland and native lowland grassland. Expanding further, the application is not supported by a draft Biodiversity Management and Monitoring Plan to accompany the metric and landscape plans submitted. The application stipulates that these requirements are to follow in the form of a Habitat Creation Management Plan post determination. Without some detail of these elements at this stage the Council have, in conjunction with discrepancies in the submission, a piecemeal and inchoate submission which it considers cannot secure the levels of biodiversity net gain that should be delivered by the scheme. Until these areas are constant in the in their approach, a full assessment against biodiversity net gain cannot be undertaken contrary to Policy 41 of the CDP, Policy 7 of the WGNP and Part 15 of the NPPF.

Drainage and Flood Risk

224. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
225. Policy 5 (d) requires a full site wide surface and foul water drainage management plan incorporating SuDS and that the strategy should not lead to any further water draining in to the Blackdene Burn and where possible wider opportunities for improvement of local water quality should be explored.
226. The application is accompanied by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy which highlights that the application site lies entirely within Flood Zone 1 with a low flood risk probability. Therefore, the site is at the lowest risk from fluvial flooding. Some areas of the site contain areas of higher risk from surface water flooding; however, the indicative site layout has addressed these areas by populating them with public open space and likely SuDs features as well as Folly Plantation and its watercourse. Further assessment of flood risk to the site is not required.
227. A Drainage Strategy is included within the ES which includes the incorporation of Sustainable Urban Drainage (SuDs) techniques in line with 'Ciria 753' guidance. These include the full collection of options for disposal of surface water such as porous paving, filter strips and a series of swales and infiltration/detention basins to treat and attenuate surface water runoff. Subject to securing the finer detail of this approach for implementation at the reserved matters stage, Drainage and Coastal Protection officers offer no objections in principle to this approach to the areas detailed in outline.
228. Northumbrian Water have offered no objections on the proposed application following detailed assessment of the phasing of the proposed development against infrastructure improvements affected by the proposals. The wider foul water drainage strategy should be subject to detailed consideration by condition and at any reserved matters stage, satisfying the requirements of Policy 36 of the CDP in this regard.
229. The Environment Agency has received updated information with regard to the water quality impacts of the surface and foul water drainage strategies from the site. This has ensured that impacts upon water quality of the receiving water courses would not be detrimentally impacted by the proposals, and subject to a conditional approach to infiltration systems to the ground water, the proposals would comply with CDP Policy 35.
230. Collectively, however, none of the proposed submission shows any evidence of being comprehensively planned together with the remainder of the housing allocation to deliver a connected, single scheme of surface and foul water drainage. The implications go beyond the ability of each scheme to secure sustainable drainage of water generated on and by the site, forming the underpinnings of site design, layout and landscaping. How that drainage takes place at the interface of the site remains unknown. Where

detail is provided to the western part of the allocation, this does not fully comply with the requirements of the CDP and supporting documentation to deliver a suitable scheme of surface water drainage. The proposals at this stage therefore being considered contrary to CDP Policies 35 and 36, and Part 14 of the NPPF.

Public Open Space

231. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
232. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). Policy 5 of the CDP makes several references to creation and utilisation of open space across the Sniperley Park allocation, specifically parts (c), (d), (e), (g), (h) and (j).
233. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought. Given the scales of the development, it would generally be expected that all typologies would be provided for on-site.
234. Through the provision of a linear park, the large application proposes 21Ha of the park, with the smaller application proposed 4.85ha, in combination in excess of the CDP Policy 5 requirement. Within that park there is the provision of many of the required typologies of the ONSA as well as to the other areas of the development; however, it is noted that neither proposal makes provision for allotments. The proposals therefore do not meet the requirements of Policy 26 of the CDP. The Council's masterplan includes provision for this typology within the allocation and further indicates the departure from CDP Policy 5 by the submitted planning applications.
235. CDP Policy 5 (b) requires the provision of a new primary school which will also contain associated playing fields. These will be required to off-set the likely loss of existing playing fields to the southern portion of the Sniperley Park allocation when reviewing the applicant's proposed indicative layout for the site. These should be of equivalent or

better quality, equivalent quantity and have an element of public accessibility via a community use agreement. Sport England as the statutory body in regard to the provision of sport pitches originally raised objection to the scheme noting that the proposed development does not provide sufficient playing pitches of equivalent quantity to off-set pitches lost or meet the likely demand which the schemes may generate. A commuted sum of approximately £2m was sought to cover the shortfall in provision. Comments are echoed by the Council's Culture, Sport and Tourism Team.

236. In subsequent discussions between the applicants and Sport England, progress has been made and the quantum of playing pitches required to off-set those lost within the development has been sourced by placing pitches north of Potterhouse Lane, with their availability for first use linked to construction of the primary school recommended by condition. The offer would also include an artificial grass pitch with associated changing and facilities, which when costed by Sport England using their standard methodologies would total approximately £1.7m, a level which Sport England were prepared to agree to remove their statutory objection.

237. However, Sport England remain concerned with number of areas within the submission through lack of information. Matters include: -

- Whether the replacement playing fields and proposed football pitches within it would be sustainable in terms of management, and whether (without ancillary parking and toilets/changing) they would work as provision for community football.
- Without the written support of New College (as a partner or operator in the management and maintenance of the proposed artificial grass pitch) it is unclear how the suggested artificial grass pitch would be operated in a way that was consistent with its routine maintenance requirements.
- Without the written support of New College, and confirmation of the provision of appropriate parking and changing accommodation necessary to sustain community use it is unclear whether the artificial grass pitch would sustain the revenue needed to cover the short term and long-term maintenance requirements necessary to keep it playable and sustainable.
- Details as to how community use of existing, and proposed playing field, AGP and MUGA would be secured and sustained.

238. As a result, there is a lack of information regarding the provision of pitches and associated facilities north of Potterhouse Lane. This not only causes issues with regard to provision of open space, but also upon the openness of the Green Belt, as without full justification, the very special circumstances of these structures would not be fulfilled contrary to Paragraphs 148 and 149 of the NPPF.

239. Without resolution of the above, Sport England remain concerned that the proposed solution would not be appropriate to meet new residents sporting needs and that they would be back to square one in terms registering a non-statutory objection. Consequently, the ability of the applicants to provide the necessary provision and mitigation is questioned and to meet the requirements Policies 5(b) and 26 of the CDP and the NPPF. Questions with regard to impacts upon the Green Belt also remain unresolved with respect to Paragraphs 148 and 149 of the NPPF.

Education

240. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. 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. CDP Policy 5 (b) further supports this requirement and requires the provision of a primary school within the Sniperley Park allocation. This is based upon the evidence base within the CDP which was found to be sound by a Planning Inspector.

241. The School Organisation Manager has advised that owing to the scale of both proposals, a not insignificant number of school pupils at both primary and secondary school ages would be generated causing demand for school places in the Framwellgate Moor Pupil Place area. Assessment of future pupil rolls and school capacities across all ages indicates that there is insufficient capacity to accommodate all pupils in existing schools, supporting the view of the Planning Inspector at the Examination of the CDP.
242. The Manager has also confirmed that the provision of the proposed primary school is will likely be required during the course of the development build out and that delivery of the facility will be crucial. The applicant however has raised concern with regard to the methodology that the Council employs in securing contributions to off-set the impacts upon school infrastructure from new development. The Council's Securing Developer Contributions towards Education Provision in County Durham (2015) has been produced in line with EFA guidance and formally adopted by the Council, whereby each dwelling is considered to on average result in 0.3 primary school pupils and 0.12 secondary school pupils. The Council are of the view that the methodology proposed and consequential pupil yield are robust and the level of school places at both primary and secondary level requested are suitably evidenced.
243. In terms of the breakdown between the two planning applications spanning the Sniperley Park allocation, the smaller scheme proposes a contribution of £2,528,771.85 of the total cost of the new school based upon the proportion of housing from that application. The remaining amount of the proposed total (£12,986,155) at the time of writing would be required from the larger application. To date, discussions between all parties with regard to the provision of the proposed Primary School on site have been on-going with regard to pupil numbers, the size of the school and the cost of its delivery without agreement.
244. With regards to the secondary school provision, this would be secured via additions to off-site facilities in the Pupil Place area. A total of £7,935,475 is required across both planning applications to off-set increased demand for secondary school places as a result of the proposals, which would be split pro-rata across the two planning applications.
245. While a breakdown of costings across both planning applications is possible via a planning obligation, it does not resolve the key concern that the smaller of the two planning applications does not comply with the requirements of the CDP Policy 5 (b) in requiring a third party (outside of the Council) to be able to meet Planning Policy. Equally, the issues around master planning raised earlier in this report and the applicant's challenge of the Council's methodology towards education provision, bring doubt to the required primary school on site and improvements to secondary schools in the locality. As a result, the delivery of the proposals could be impacted and an unacceptable squeeze upon school places a realistic prospect should development take place in isolation. This again counters the master planned approach required by Policy 5 of the CDP and the requirements of CDP Policy 25 in developments mitigating their impacts.

Healthcare

246. Policy 5 (a) includes a requirement for the local centre of the Sniperley Park allocation to provide a building suitable to be used as a health centre. As part of the applicant's

submission, they have identified that the exact quantum of floorspace for the local centre is still unknown, but it is considered that any such centre could potentially include a new convenience store of around 370 sqm gross, along with another 300-400 sqm gross floorspace occupied by other, smaller retail and service uses. There may also be scope for other commercial and community uses, such as a public house/restaurant, children's nursery and/or medical centre, subject to demand. As such there is no firm commitment from the developer to deliver a health centre as part of the proposals and in turn, they do not meet the requirements of Policy 5.

247. In terms of the healthcare impacts of the development, the 1920 dwellings across the two housing applications would result in up to 4416 additional patients. The NHS, through their North East North Cumbria Integrated Care Board (NENC ICB), have advised that the two nearest GP practices are already significantly undersized relative to their patient list size and can't be extended in such a way as to be able to accommodate the significant increase in patient numbers that they would face. Accordingly, the NENC ICB have significant reservations regarding the impact of the additional patients from the development on primary care medical services. As such, the impacts of the development in terms of GP provision, and in the absence of any commitment to delivery on the part of the developer, is such that the development is not mitigating its impacts. As part of the ongoing discussions with the developer the Council sought to secure the delivery of the required health centre in the form of a new GP practice that would facilitate the relocation of an existing GP practice to the site, given they are already undersized and can't be extended, and that was of sufficient size to cater for existing patients and mitigate the impact of the additional patients arising from the overall development. This position is supported by the NENC ICB. The developers have not agreed to this approach. Accordingly, the proposals are considered contrary to CDP Policy 5 with regard to the failure to deliver a health centre and, in turn, in the absence of any agreed mitigation for the healthcare impacts of the development.

Agricultural land classification

248. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 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. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.

249. Consideration of the implications of best and most versatile land were assessed at Examination of the CDP and the granting of the allocation of Sniperley Park in the Plan. As a result, no conflict with Policy 14 of the CDP is found.

Other matters

250. The Sniperley Park allocation lies within two Mineral Safeguarding Areas: a coal resource area and a glacial sand and gravel area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the Policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource.

251. The submitted Minerals Assessment considers that the extraction of the sand and gravel would be economically unviable due to resources being too thin having regard to borehole data whilst the coal extraction would be too constrained by the existing power lines and the existing sensitive receptors to be a feasible option at the site. The Minerals Assessment also presents the case that the need for the development proposed outweighs the need to safeguard the mineral. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
252. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environment, Health and Consumer Protection Officers are satisfied with the submitted risk assessment and recommendations, suggesting a conditional approach to further Phase 2 and Phase 3 works for each phase of development going forward.

Public Sector Equality Duty

253. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

254. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).
255. Where a planning application conflicts with an up-to-date development plan, paragraph 12 of the NPPF advises that permission should not usually be granted. However, Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
256. The Sniperley Park housing allocation is the largest and most prestigious of the sites proposed by the CDP for new housing development. As a sustainable urban extension to the City of Durham, the location of the site is considered to be well suited to delivering sustainable urban design and active connectivity to integrate development with the nearby settlements. Policy 5 of the CDP draws this all together in a list of requirements to enable the translation of this vision into development, enabling delivery upon the sustainability credentials of the allocation which were required by an Inspector at Examination of the CDP. The policy clearly indicates that in principle residential and ancillary development is acceptable, but this is predicated on any proposal being able to comply with the requirements set out within Policy 5 as a whole.

257. To that end, the Council have adopted its masterplan vision for the Sniperley Park site and a Healthy Active Travel Connectivity Plan to demonstrate how this can be achieved across the whole site.
258. This submission in combination with two other planning applications fractures the comprehensive approach required by Policy 5 of the CDP, whereby individual applications do not have the ability to meet the requirements of the policy. CDP Policy 5 requires a suite of measures consistent with delivering sustainable design to new development at Sniperley Park. These submissions, present a series of issues which result in their inability to deliver the requirements of the CDP.
259. As a consequence, the proposal is contrary to Policy 5. Failing to put forward the allocation as a whole has resulted in a development which does not comply with the Council's masterplan and Healthy Active Travel Connectivity Plan. The proposed development proposes 12% more dwellings than the CDP allocation outlines. The knock-on effect of this increase is to place pressure upon the delivery of the requirements of the CDP with regard to the character of the new development, the interrelationships between existing and proposed development, the ability to create a fully functional linear park connection across the entire site, the integration of blue infrastructure across the development, and give full and easy access to alternative modes of transport. All combining to present a scheme which is not considered to represent exemplar design nor a sustainable urban extension to the city as required by CDP Policy 5.
260. The cornerstone of the proposed sustainable urban extension is the provision and delivery of a local centre which ensures vitality and viability of the Sniperley Park allocation, meet the day to day needs of the community created and promote a sustainable development. Delivery of town centre uses, a new primary school and health centre are all required by Policy 5 of the CDP. However, their completion on site is not clear to the Council and whether the fractured nature of the submitted applications would be even capable of delivering the required facilities.
261. Relevant types of public open space are not fully catered for by the proposals with a no allotments proposed by any scheme, contrary to CDP Policy 26. Provision of replacement sports playing pitch provision remains unclear resulting in concerns over delivery, contrary to Policies 5, 26 and 29 of the CDP.
262. Wider off-site highways works are proposed to mitigate the proposed development; however, severe reservations over the ability of the developments to bring access to suitable levels of public transport services have not been resolved, exposing conflict with Policies 5, 22 and 29 of the CDP.
263. Equally, ecological benefits of the schemes are outlined in the form of on-site and off-site improvements. However, again the relevant level of detail remains unclear as does the delivery of required mitigation leaving the Council unsure of the ability of the scheme to meet its Policy requirements (CDP Policies 5, 26 and 41).
264. At this stage, it is therefore considered that the proposed development cannot be supported as it does not fully comply with the requirements of the County Durham Plan, the Council's masterplan, Healthy Active Travel Connectivity Plan, the Witton Gilbert Neighbourhood Plan and the NPPF.

RECOMMENDATION

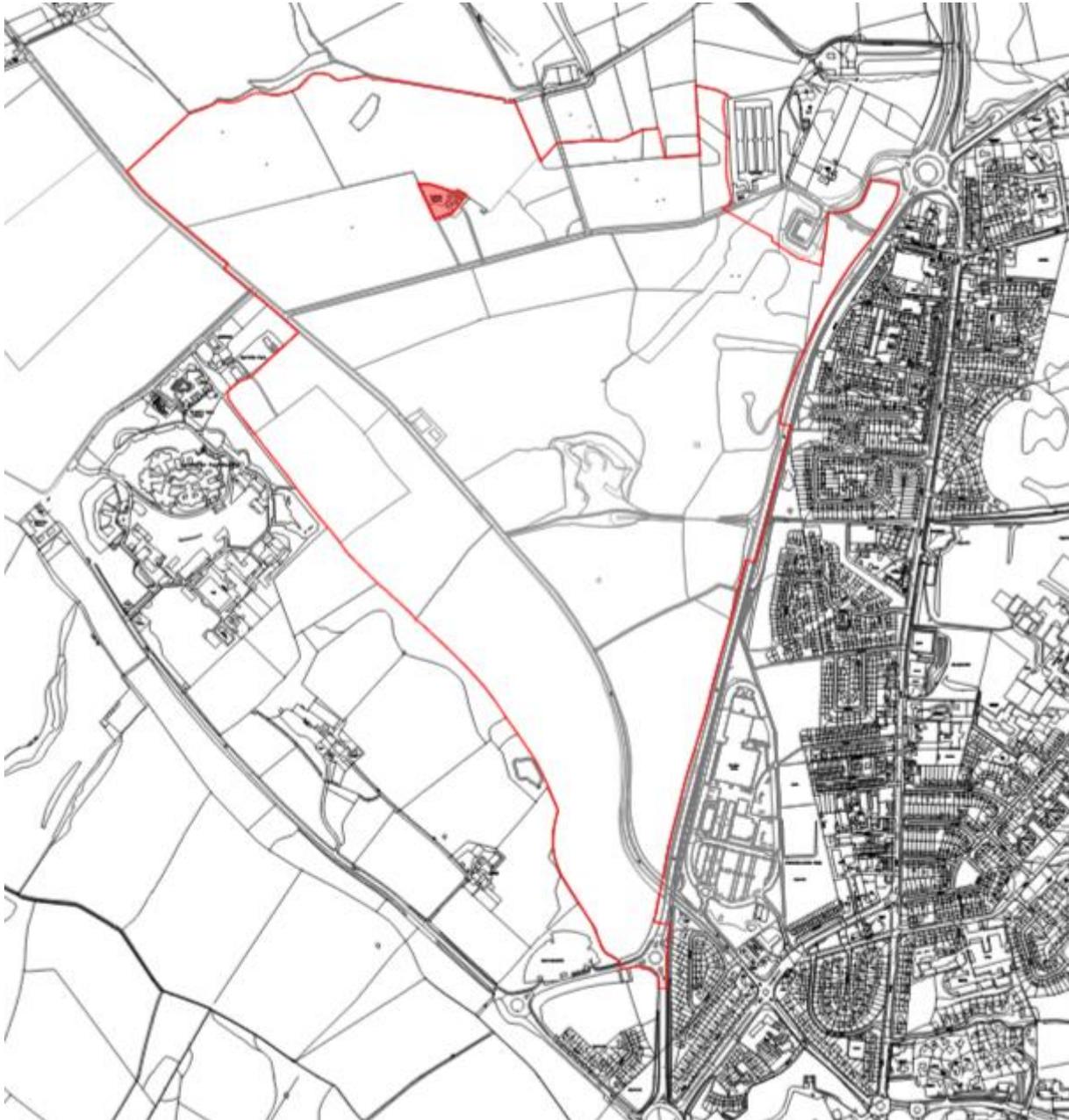
This application be **MINDED TO REFUSE** for the following reasons: -

1. The site has failed to propose a comprehensive masterplan of the allocation and demonstrate how the phasing of development on these sites will have regard to the provision and timing of the infrastructure and services necessary to support them as required by Policy 5 of the County Durham Plan resulting in a fragmented approach to delivery that does not take into account the Council's adopted Masterplan and Healthy Active Travel Connectivity Plan.
2. The proposals lead to overdevelopment of the Sniperley Park allocation resulting in poor design with limited character areas that is not supported by any consistent Design Code contrary to Policies 5 and 29 of the County Durham Plan, Policies 2 and 6 of the Witton Gilbert Neighbourhood Plan and Part 12 of the National Planning Policy Framework.
3. The proposed development does not deliver adequate sustainable transport options to future residents. The development fails to demonstrate that there is sufficient public transport penetration into the site or that the requirements of Healthy Active Travel are to be fully delivered on and around the Sniperley Park allocation. The proposals are therefore contrary to Policies 5, 21, 22, 26 and 29 of the County Durham Plan and Parts 8, 9, 12 and 14 of the National Planning Policy Framework.
4. Failure to demonstrate the provision of a suitably sized health centre within the Sniperley Park allocation and any mitigation for the healthcare impacts of the proposed development contrary to Policies 5 and 25 of the County Durham Plan.
5. Failure to demonstrate the provision of a suitably sized primary school within the Sniperley Park allocation and to off-set pupil demand upon secondary school places in the locality contrary to Policies 5 (b) and 25 of the County Durham Plan and Part 4 of the National Planning Policy Framework.
6. Failure to demonstrate a fully functional surface water drainage scheme across the site which utilises all elements of the surface water hierarchy to achieve sustainable drainage from the site with necessary water quality improvements contrary to Policies 5 (d) and 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
7. The creation of the linear park across the Sniperley Park allocation does not integrate all parts of the site with new on-site and existing off-site facilities to a high-quality design contrary Policies 5 (a), (g), 26 and 29 of the County Durham Plan, Policies 2 and 6 of the Witton Gilbert Neighbourhood Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.
8. Insufficient information has been provided to ensure the full delivery of both on-site and off-site habitat creation and management to secure both biodiversity net gain and green belt compensatory improvements contrary to Policy 5 (h) and 41 of the County Durham Plan, Policy 7 of the Witton Gilbert Neighbourhood Plan and Part 15 of the National Planning Policy Framework.
9. Failure to demonstrate fully the ability to feasibly and viable provide a district heating system across the development and the wider area contrary to Policy 5 (i) of the County Durham Plan and Part 14 of the National Planning Policy Framework.
10. Connections to the Sniperley Park and Ride site do not provide attractive and safe links to the proposed new housing and the wider allocation contrary to Policies 5 (k), 26 and 29 of the County Durham Plan and Parts 8, 9 and 12 of the National Planning Policy Framework.

11. Failure to demonstrate fully the ability of the proposals to provide sufficient quantum and quality of playing pitch space with necessary ancillary provisions contrary to Policies 5 (b) and 26 of the County Durham Plan and Parts 8, 11 and 12 of the National Planning Policy Framework.
12. Failure to deliver all required open space typologies on-site as required by the Policy 26 of the County Durham Plan and Parts 8, 11 and 12 of the National Planning Policy Framework.
13. Insufficient information has been provided to ensure mitigation of impacts from dust and vibration at the construction phase of development and to mitigate against air quality at the operational phase of the developments contrary to Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan (2020)
- Durham County Council Sniperley Park Masterplan (2022)
- Durham County Council Sniperley Healthy Active Travel Connectivity Plan by WSP (2022)
- Residential Amenity SPD (2019)
- Building for Life SPD (2019)
- Statutory, internal and public consultation responses



Planning Services

DM/21/03754/OUT

Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping.

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Comments

Date 6th September 2022

Scale NTS

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02360/FPA
APPLICATION DESCRIPTION:	Hybrid planning application consisting of outline planning permission (all matters reserved) for an extension to the Sniperley Park and Ride and full planning permission for the development of 370 dwellings associated access and works and demolition of former farm buildings
NAME OF APPLICANT:	Bellway Homes Ltd (Durham)
ADDRESS:	Land North And East Of Sniperley Farm Durham DH1 5RA
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Graham Blakey Principal Planning Officer 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Background

1. This proposal is subject to an appeal the Planning Inspectorate against non-determination of the application. Therefore, committee members are asked to consider this report in light of this and make a resolution based upon the decision they would make were the application to be determined in the usual manner. This resolution will then be carried forward for consideration at Public Inquiry.

The Site

2. The application site extends to approximately 20 hectares (ha) and comprises predominantly agricultural land used for arable farming. A number of hedgerows are located on the boundary of fields within the site and clusters and lines of trees are located on the site edges particularly so to the north and east. A vacant collection of farm and farm house buildings, Sniperley Farm, is situated partly within and partly beyond the application site and located in a roughly central position. To the south of Sniperley Farm and bordering the site is Durham Community Fire Station, bordering the site to the south-east is Sniperley Park and Ride. Adjacent to the site towards to the north-west are a collection of properties and buildings at Sniperley Hall and further beyond are the collection of buildings at Lanchester Road Hospital. Sniperley Hall sits within an area identified as a historic park and garden of local interest that also extends

into the site. The A691 runs along the bounds of the site to the south west and there are several Public Rights of Way within and around the site.

3. A large pylon is located within the site to the north-west of Sniperley Farm with associated overhead wires; smaller scale telegraph poles and wiring are also located on the site between Sniperley Farm and Sniperley Hall.
4. The site comprises an area of lowland agricultural habitats with areas of woodland and Hedgerows all surrounding the parkland setting of Sniperley Hall. There are no Sites of Special Scientific Interest (SSSI) within 2km of the site. However, there are a number of Local Nature Reserves (LNR) within 2km of the site, the closest is Bearpark Bog at approximately 390m to the south west of the site across the A691. Three other LNRs include the lower Browney Valley LNR to the west, with Pity Me Carrs and Flass Vale LNRs to the east.
5. The site is not located within a Conservation Area and there are no designated heritage assets within the site, however there are designated and non-designated heritage assets in the surrounding area. These include the Durham Castle and Cathedral World Heritage Site (WHS); Durham City Conservation Area; Cathedral Church of Christ and St Mary the Virgin (Grade I); Kimblesworth Grange Farmhouse with wall and outhouse attached (Grade II); Cottage and Stables c. 100m west of Kimblesworth Grange Farmhouse (Grade II); Lanchester Hospital (Former Earls House County Industrial School); and Sniperley Hall, Sniperley Hall Historic Park and Garden of Local Interest and Sniperley Farm (located immediately south west of the site).

The Proposal

6. The application seeks full planning permission for the erection of 370 dwellings ranging from one bed apartments to 5 bed detached houses and from 2 and 2.5 storey houses to 3 storey apartments.
7. Demolition of a number of former agricultural buildings at Sniperley Farm is proposed others are sought for retention and conversion under a separate planning application (ref DM/21/03706/FPA).
8. Planning permission is also sought in outline only with all detailed matters reserved for an extension to the existing Sniperley Park and Ride for approximately 300 parking spaces.
9. Vehicular access into the development is proposed via a new roundabout located on the A691 west of the fire station with the access road leading towards the proposed housing, snaking through an area proposed as a landscaped parkland space. A secondary and emergency access route is proposed utilising the existing access road serving Sniperley Farm which also meets the A691.
10. A series of pedestrian and cycle links are proposed within the development including ones proposed to meet neighbouring land to the north and east in a south easterly direction so as to provide access to the existing park and ride.
11. The park and ride extension proposed is indicated on the land between the fire station site and the existing park and ride. No detail is provided for this element as it is proposed in outline only.
12. Density of dwellings is evenly distributed across the built portions of the site, with exceptions to the far northwest being less dense and featuring larger detached

properties, and southeast being denser featuring smaller property types and 3 apartment blocks to the rear of the fire station and park and ride sites.

13. Trees to north western and north eastern boundaries are acknowledged as part of the proposed landscape strategy, with SuDs features focused along the eastern boundary of the site as a result of the landform dropping gently in that direction. Public open space follows closely those areas of the site, with a primary linear route associated with the high voltage overhead wires and pylons running from the site entrance through to the north east; and a secondary linear route separating the less dense north west portion of the site immediately to the rear of Sniperley Hall.
14. The application is being reported to the County Planning Committee as it comprises a major residential development on a site in excess of 3ha/100 dwellings.

PLANNING HISTORY

15. DM/21/03574/OUT - Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping. Pending Consideration.
16. DM/21/03706/FPA - Conversion of existing buildings to form 4 residential units (Use Class C3). Pending Consideration.
17. DM/17/01724/FPA - Conversion and extension of redundant farm buildings to form nine dwellings, associated facilities and car parking. Approved 19th July 2017.
18. 4/09/00718/FPA - Change of use and conversion of 2 no. redundant farm buildings to form office accommodation including erection of glazed extension to courtyard. Approved 2nd August 2010.

PLANNING POLICY

NATIONAL POLICY

19. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
20. The following elements of the NPPF are considered relevant to this proposal.
21. *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.
22. *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.

23. *NPPF Part 5 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
24. *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.
25. *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.
26. *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.
27. *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.
28. *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.
29. *NPPF Part 13 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
30. *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.

31. *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.
32. *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.
33. *NPPF Part 17 – Facilitating the Sustainable Use of Minerals* – Amongst its advice, highlights the need to safeguard mineral resources including through the use of Mineral Safeguarding Areas and Mineral Consultation Areas.

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

34. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; consultation and pre-decision matters; design: process and tools; determining a planning application; effective use of land; Environment Impact Assessment; flood risk and coastal change; Green Belt; healthy and safe communities; historic environment; housing and economic land availability assessment; housing and economic needs assessment; housing needs of different groups; housing for older and disabled people; housing: optional technical standards; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities; planning obligations; travel plans, transport assessments and statements; tree preservation orders and trees in conservation areas; use of planning conditions; viability and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

35. *Policy 1 - Quantity of Development* outlines the levels of employment land and housing delivery considered to be required across the plan period.
36. *Policy 4 - Housing Allocations* identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
37. *Policy 5 - Durham City's Sustainable Urban Extensions* identify site specific requirements for proposed housing development to two locations on the edge of Durham City (Sniperley Park and Sherburn Road). Development is required to be comprehensively masterplanned and to demonstrate how the phasing of development will have regard to the provision and timing of the infrastructure and services necessary to support them. The policy advises that the Sniperley Park development will comprise

of 1,700 houses. A detailed set of criteria based requirements for the development are established within the policy including; a need for a local centre; primary school; formation of linear park; highway network improvements and park and ride expansion.

38. *Policy 10 - Development in the Countryside* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings.
39. *Policy 14 - Best and Most Versatile Agricultural Land and Soil Resources*. Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
40. *Policy 15 - Addressing Housing Need* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
41. *Policy 19 - Type and Mix of Housing* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
42. *Policy 20 – Green Belt*. Development proposals within the Green Belt will be determined in accordance with the national planning policy.
43. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
44. *Policy 22 - Durham City Sustainable Transport* seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
45. *Policy 24 - Provision of Transport Infrastructure* advises that new and improved transport infrastructure will be permitted where; it is necessary to improve highway/public transport infrastructure; minimises harmful impacts; provides provision for all users whilst also either supporting economic growth, enhancing connectivity or accommodating future development sites.
46. *Policy 25 - Developer Contributions*. Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly

related to the development and fairly and reasonably related in scale and kind to the development.

47. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
48. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
49. *Policy 28 – Safeguarded Areas.* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar.
50. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
51. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
52. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
53. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site,

commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

54. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
55. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
56. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
57. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
58. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
59. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

60. *Policy 45 - Durham Castle and Cathedral World Heritage Site* seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
61. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN POLICY:

The Witton Gilbert Neighbourhood Plan

62. *Policy 1 - Settlement Boundary of Witton Gilbert* – Development within the settlement boundary of Witton Gilbert will be supported where the accord with policies within the Development Plan. Development will not be supported on land beyond the settlement boundary unless allowed for by specific policies in the NPPF and Local Plan. Development must not give rise to unacceptable harm in the Neighbourhood Area.
63. *Policy 2 - Housing Development in Witton Gilbert Neighbourhood Plan Area*. Supports new housing development where; it results in high quality sustainable design; does not adversely impact upon the amenity of existing and future residents; provides a range of housing taking into account local need; includes affordable housing and; provides safe access for all modes of transport.
64. *Policy 3 – Older People’s Homes*. Requires that on sites of 10 or more dwellings 10% shall be suitable for older people whilst support is given for proposals providing housing for vulnerable people and specialist housing provision.
65. *Policy 6 - Sustainable Design*. Requires design to contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the building environment and local landscape character. Emphasis is also placed on energy efficiency and incorporating renewable and low carbon energy generation where viable.
66. *Policy 7 – Biodiversity in the Parish of Witton Gilbert*. Requires the integration of biodiversity into new development where possible. Where loss is necessary, alternative provision should be provided so as to achieve a net benefit for biodiversity.
67. *Policy 11 – Broadband*. Requires all new development to incorporate a means of enabling high speed broadband unless demonstrated to be unviable.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

68. *Witton Gilbert Parish Council* - The proposed development is situated within the boundary of Witton Gilbert Parish Council. The Parish Council recognises the need for development and associated supporting amenities in principle, as demonstrated in the Witton Gilbert Neighbourhood Plan. However, concerns have been raised regarding the lack of detailed information with reference to the Masterplan stated in Policy 5 of the CDP and how this proposed development would fit with the wider development. Policy 5 also states that Sniperley Park will incorporate a local centre as a community focus

including retail, office and hospitality provision; new primary school and health centre building. The Parish Council has concerns about how existing schools and health facilities would be able to cope with the influx of new residents before new facilities have been developed.

69. *City of Durham Parish Council* – Raise objections. The site lies outside of the Parish Council boundary, however, the Parish have proper interest due to the potential consequences of the development. Emphasis is placed upon the need for a comprehensive masterplan as per the requirements of CDP Policy 5 so as to achieve a sustainable development. This application is entirely inadequate in this regard. Particular concern is raised with the development having sufficient access to sustainable modes of transport, air quality impact, achieving CO2 reductions and impacts upon local health services.
70. *Framwellgate Moor Parish Council* – Raise objections on the grounds of the absence of the necessary comprehensive masterplan.
71. *Highway Authority* – National and local planning policy requires new development to promote sustainable transport options, provide safe and suitable access for all users, design streets and spaces to current guidance and mitigate significant impacts upon the highway network refusing only where unacceptable or severe cumulative impacts would occur. Site specific matters are covered in the County Durham Plan for this site also.
72. Having assessed the application, in conjunction with the adjacent application, against NPPF paragraphs 110, 111 and 112, as well as Policy 5 of the CDP, the development is considered to be broadly acceptable in principle, subject to further discussion around proposed mitigations, planning obligations and compliance with the Council's Masterplan. Details of specific mitigation measures to off-site highway infrastructure is accepted with some exceptions at A691 / Trouts Lane and B6532 / Potterhouse Lane junctions.
73. Levels of car parking provision and types within the development site has not been fully demonstrated to the Highway Authority. Refuse wagon operation within the site has failed to be demonstrated as acceptable by the applicant.
74. CDP Policy 5 (l) requires specific off-site highway mitigation works to be delivered by the proposals to this CDP allocation, and these should be secured by way of legal agreement (S278 / S106) or planning condition.
75. *National Highways* – Raise no objections on the grounds that junction capacity on the Strategic Highway Network (i.e. A1(M) junctions 61, 62 and 63) are already operating close to or above capacity before accounting for additional traffic from this development and so no mitigation is required from this development. Earlier responses raised queries in regard to whether certain bus stops on the A691 are functioning and; a targeted reduction of 5% in the proportion of households travelling by car is not ambitious enough.
76. *Drainage and Coastal Protection* – It is advised that the current layout does not show areas of landscape, ecology and Sustainable urban Drainage Systems (SuDS) throughout and should be amended. Particularly the proposals do not demonstrate the incorporation of adequate site control features and additional information is therefore required prior to the commencement of development.
77. *Historic England* – Raise no objections. The assessment within the submitted ES in respect to the key heritage assets is broadly accepted, with negligible or neutral impacts

expected upon Durham Castle and Cathedral World Heritage Site, the Neville's Cross Battlefield and Grange and Chapel at Beaurepaire scheduled monument.

78. *Environment Agency* – Raise no objections. Amended information provided by the applicant has addressed earlier concerns with regard to water quality of receiving water courses impacted by the development.
79. *National Amenity Societies* – No comments received.
80. *Coal Authority* – Raise no objections confirming that the land subject to the application falls within the defined Development Low Risk Area.
81. *Natural England* – Raise no objections to the development having regard to its potential to affect statutory ecological sites. Advice on the submitted Agricultural Land Quality Classification (ALC) and Soil Management Plan (SMP) submissions are provided on a non-statutory consultee basis and concerns and queries are raised in respect to the content of the ALC which is considered to have not followed best practice whilst the SMP is considered to lack specific recommendations tailored to the site. Standing advice in respect to landscape, protected species and biodiversity, woodland and access and recreation are also provided.

INTERNAL CONSULTEE RESPONSES:

82. *Spatial Planning Policy* – The site which is the subject of this planning application is allocated within Policy 4 (Reference H5) of the CDP, therefore the principle of housing on this site is acceptable. Matters of detail need to adhere to all the policy requirement of Policy 5 as well as other relevant policies of the CDP. At the current time, there are issues to be resolved with the submitted schemes and the demonstration that each have made to the requirement of Policy 5 and the exemplar development which the Council are seeking to achieve on this site. The development is required to deliver affordable housing, appropriate housing for older people, and the green infrastructure requirements appropriate for its size. The Council has adopted its Masterplan for the site and is of significant material weight in the decision making process.
83. *Corporate Property and Land (CPaL)* - CPaL act for and on behalf of Durham County Council ('DCC') in its capacity as a corporate landowner. Policy 5 states that 'Development is required to be comprehensively master planned', which will aid with the phasing of the scheme and the delivery of infrastructure and services when they are required. DCC own four different parcels of land which sit within the boundaries of the proposed Sniperley Park Sustainable Urban Extension across both planning applications, extending to approximately 16 hectares (40 acres). The Council's adopted Masterplan (June 2022) identifies that the DCC Land is to be utilised within the development for a number of purposes including housing, open space, principle access point, primary school and playing fields. The uses mentioned appear to be pivotal to the delivery of the overall development scheme.
84. DCC, as a landowner, has historically accepted its responsibility to engage with relevant parties (developers and third-party landowners) in relation to the requirement legal agreements to enable promotion, delivery and master planning of the Sniperley Park Sustainable Urban Extension. DCC, in its capacity as landowner, is not currently in a position to engage with either Durham Land LLP in relation to the disposal of its land for development. This is on the basis that the existing planning applications do not comply with Policy 5 of the CDP or the Sniperley Park Masterplan. This opinion will remain until such time as a policy compliant application is submitted for consideration by the Local Planning Authority.

85. *Business Durham* – No comments received.
86. *Archaeology* – Raise no objections. A scheme of trial trenching has been undertaken in accordance with the agreed Written Scheme of Investigation (WSI) which has discovered no remains of interest. The results of the investigations have been placed upon the historic record.
87. *Design and Conservation* – The entirety of the site subject to CDP Policy 5 has not covered by a masterplan provided by the applicants, contrary to the requirements of the policy. The proposal has been assessed by the Council's Design Review and that assessment should be referred to. In addition, it is highlighted that the non-designated heritage asset of Sniperley Farm has not been included as a potential conversion scheme and excluded from the application. The character of the proposed development closest to Sniperley Farm is not considered successful with an alternative approach more likely successfully conserve and enhance the setting of the non-designated heritage asset. More widely the proposed layout generally allows for streets and spaces defined by active frontage but other elements are criticised including; areas of parking dominance; lack of outlook and private space to the apartments and a lack of character areas and absence of locally inspired or other distinctive design.
88. In respect to the impacts of the development upon the setting of heritage assets no harm is identified to a range of heritage assets within the vicinity of the site due to either limited or no intervisibility. The conclusions of the Cultural Heritage chapter within the submitted ES are agreed with.
89. *Ecology* – The supplied ecological information is sufficient to inform the application in respect of the surveyed species and habitats. Bat surveys have confirmed that no tree roosts are present however there are two roosts in the old farm buildings that are to be lost to the development. No details of the proposed type and location of roost units have been provided to inform the prospects of a successful bat mitigation licence application to Natural England. A barn owl has been recorded using derelict farm buildings on site. Barn owl nest box provision is to be provided on the trees on the site and further details are to be provided in the Biodiversity Enhancement Management Plan.
90. There would be a loss of biodiversity as a result of the proposed development and as such off-site mitigation is required. The proposed off-site mitigation would result in a 11.09% net gain overall and a 31.82% net gain in hedgerows. A future Biodiversity Enhancement and Management Plan (BEMP) document is proposed post decision detailing creation and management of the off-site habitat together with other ecological enhancements; however, this should be agreed pre-determination to ensure the mitigation is likely to achieve biodiversity net gain.
91. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. In respect to the construction phase of the development queries are raised in regard to the absence of any consideration of demolition. In regard to the operational phase, it is noted that the predicted concentrations of NO_x in predicted future years is above threshold and would present a 'moderate adverse' impact within the Durham Air Quality Management Area (AQMA) at Leazes Road (R7). No cautious assumptions into the reductions in NO_x emissions as part of the shift away from petrol and diesel vehicles are made. As a result, the suite of mitigation measures for the operational phase of the development should be conditioned as part of any planning approval in light of the above.
92. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objections. In respect to noise the methodologies adopted in the application

submissions are accepted. Effects upon existing receptors following completion of the development are considered to be not significant. Some moderate impacts are identified as a result of the operation of the proposed park and ride extension though mitigation measures are proposed to address this in the form of glazing and ventilation specification and acoustic barrier. In the event of approval, conditions in respect to these mitigation measures are recommended together with a construction management plan and control over working hours to manage the effects of the construction period.

93. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The Phase 1 contaminated land submissions are acceptable. Limited made ground and contamination is identified particularly in the location around the farm buildings. Some ground gas monitoring information is absent. As a result, in the event of an approval a contaminated land condition would be necessary in respect to Phase 2 (site investigation) and as necessary Phases 3 (remediation) and 4 (verification).
94. *Landscape and Arboriculture* – The proposals would have some potentially significant landscape effects at a local level. They would not conserve or enhance the special qualities of the AHLV as there would be some harm to its historic interest as a designed landscape and its scenic qualities. The proposals have been designed to mitigate effects appropriately although there would be unavoidable residual effects at the site level. The scheme has been informed by supporting the relevant evidence base and compensatory measures proposed would make a contribution to conserving / enhancing the local landscape. The extent to which these are accepted or otherwise should be factored into the planning balance.
95. The proposals would entail the loss of some trees of high landscape / amenity value – and particularly those Category B trees covered by TPO. Other higher quality trees have been retained and integrated into the design. The proposals provide for suitable replacement planting within the site and in areas of compensatory improvement. The proposals would entail the loss of a number of hedges that formed part of the original layout of the small C19th estate landscape of Sniperley Hall and could therefore be considered to have some heritage value. The hedges are otherwise species poor and in variable condition. Provision of replacement planting will be ultimately governed by the requirements of achieving net biodiversity gain across the site. Again, the extent to which these are accepted or otherwise should be factored into the planning balance.
96. Layout changes to the linear greenspace to reflect the powerline corridor have been undertaken as requested; however the space remains narrow and its quality will depend heavily on detailed landscape proposals which will be submitted at a later date. There have been some changes made to the main SE-NW distributor road, yet there remains a heavy reliance on what will be small trees in small private front gardens in seeking to achieve the tree-lined streets required by NPPF. The longevity of features in small private plots is insecure. This road should reflect its function as a secondary street overall layout.
97. Evolution of SuDS has seen interruptions to proposed path networks south of the powerline which have been downgraded to ‘welly walks’ and no longer feature on the layout plan. This leads to a less than satisfactory movement framework, downgrading the importance of the open space and omitting a critical part of the required linear park south towards the Park and Ride. Formed landscaping features close to Sniperley Farm would not be considered in keeping with the historic parkland/estate landscape.
98. *Sustainable Travel* – A key requirement for new development is to maximise pedestrian and cycle movements within and to neighbouring areas, as well as facilitating access to high quality public transport so far as possible. Public Transport penetration within both developments overall would be best served via the road layout and connection positions

indicated upon the DCC Masterplan giving a greater catchment area of users. The overall development proposals do not maximise this catchment and as such reduce the accessibility of future occupiers to public transport.

99. A Healthy Active Travel Connectivity Plan for the Sniperley allocation has been prepared by the Council alongside the Masterplan. The plan identifies several active travel routes from the development site to key destinations such as shops, schools and green space. It is the view of the Sustainable Travel Team that the provision of all the mitigations contained in the plan would be necessary to maximise the potential for travel by sustainable from residents of the site. The location of the Sniperley allocation puts it in the ideal location to maximise the use of sustainable modes of travel.
100. A 5% modal shift away from private vehicle towards more sustainable modes of transport is proposed by the submitted Travel Plan. Adherence to this should be secured through legal agreement.
101. *Housing* –The mix of affordable units proposed is unusual with evidence of demand for 1 bed units and apartments as being low. The resultant proposed 17 no. 3 bed units is also low out of 93 units in total. Evidence of discussions with a Registered Providers has been produced showing support for the package of affordable units proposed.
102. *School Organisation Manager* – Owing to the scale of both development proposals a significant number of school pupils at both primary and secondary school ages would be generated causing demand for school places in the Framwellgate Moor Pupil Place area. Assessment of future pupil rolls and school capacities across all ages indicates that there is insufficient capacity to accommodate all pupils within existing schools.
103. A total of 576 primary age school pupils would be generated from the development as a whole, of which 111 pupils would originate from this development. CDP Policy 5 requires a new primary school to be provided within the housing allocation to meet demand generated. Based upon recent previous construction of a primary school within the County, a cost of at least £13,122,843 would be required to construct the new school (this figure however does not take in account inflation/construction cost increases post Q2 2021).
104. A total of 230 secondary age school pupils would be generated from the development as a whole, of which 45 pupils would originate from this development. Paragraph 95 of the NPPF requires new communities have sufficient choice of school places. A shortfall of secondary pupil places is expected to occur over the next 10 years before the impacts from this development are considered. As such the creation of additional capacity for the whole development would be £7,935,475 for 230 pupils based upon creation of the capacity at a single school.
105. *Access and Rights of Way* – The proposal will affect public footpath no. 9 (Witton Gilbert). The footpath currently terminates at Sniperley Hall and is considered to be of limited public value. The scheme represents an opportunity to address this by linking it to other pedestrian and cycle routes within the development including in future potential phases and bridleway no. 6 (Framwellgate Moor). Most of footpath 9 is proposed over open space and as a result there may not be a requirement to realign the footway from the existing legal line, though if this is required, a path diversion order will be necessary.
106. *Employability Team* – No comments received.
107. *Culture, Sport and Tourism* - The adopted County Playing Pitch Strategy Nov 2021 references the need to protect playing fields in order to meet demand from teams. There

are shortages in pitch types within the Central planning area that mean we need to manage any loss of playing fields in accordance with Sport England policy.

108. The indicative layout seeks to address the issues of playing field protection by mitigating loss of playing fields lost to the Primary School development via their replacement at Potterhouse Lane; compensatory measures in the form of a 3G Artificial Grass Pitch on the St Leonards detached playing fields site; and reconfiguration of remaining pitches on the St Leonards detached playing fields site. However, the proposals lack necessary detail in terms of facilities operation and on-going maintenance.
109. There is no detail about who/how the proposed 3G and remaining grass pitches will be managed or maintained. A suitable Community Use Agreement should accompany any planning proposal (this may be via the proposed primary school or existing New College) and provision of suitable parking to accommodate the number of teams generated by a site of this size and capacity. In accommodating the proposed Primary School build, there is no detail on the types/sizes of grass pitches remaining on site. The proposal drawing is indicative and does not provide reassurance that these pitches will meet FA or Playing Pitch Strategy requirements.
110. With regard to proposed replacement pitches at Potterhouse Lane, there is no detail regarding ancillary facilities for changing/toilet and parking, or their on-going maintenance (i.e. commuted sum). The lack of such facilities is of likely concern to future residents/road users leading to complaints in terms of public decency and highway obstruction.

EXTERNAL CONSULTEE RESPONSES:

111. *Sport England* – Raise objections. Objections are raised statutorily and non-statutorily with regards to the development. Replacement of 2.4Ha of lost playing field to a proposed primary school initially raised a statutory objection, with the failure to address the increase in demand from new residents for indoor and outdoor sports facilities raised as a non-statutory objection. The applicant met with Sport England and amendments were tabled to the playing field provision that included areas of the land north of Potterhouse Lane given over to sports pitches as well as the provision of a full-sized artificial grass pitch and changing facilities totally approximately £1.7m.
112. While Sport England are in agreement with regard to the applicant's 'direction of travel', there remains significant detail to resolve before what is tabled before a practical proposition in terms of properly planned sports provision. Issues regarding the sustainability of replacement playing fields and their ability to work as a provision for community football remain unresolved. As does a lack of confirmation from New College, Durham to fulfil a partner or operator role in management and maintenance of the proposed artificial grass pitch, the provision of parking and changing facilities, together with details on a site wide community use agreement. A lack of support from New College brings questions over long term sustainability of, in particular, the artificial grass pitch to such a degree that Sport England would maintain its non-statutory objection.
113. *Northumbrian Water Limited* – Raise no objections subject to a condition that the development is undertaken in accordance with the submitted drainage scheme including that foul flows discharge to the foul sewer at manhole 610.
114. *Police Architectural Liaison* – Advise that the principles of Secured by Design are adopted at the site, this includes design principles to reduce the potential for crime through increasing natural surveillance, appropriate parking provision, appropriate lighting and window and door specification and other design measures.

115. *NHS/NENC ICB* – North East and North Cumbria Integrated Care Board (NENC ICB) advise that a total of 309.12sqm of additional treatment space is required to fulfil the demand likely to be generated from this development. Furthermore, the local GP practices within the West Primary Care Network are at capacity and are incapable of being extended to meet the demand upon services. A new practice premises would benefit the new population from the development and improve provision for the existing local community; therefore, the requirement of CDP Policy 5 to deliver a new Health Centre on site should be followed.

116. *Departure for Culture, Media and Sport* – No comments received.

117. *Northern Powergrid* - Raise no objections reference is made to best practices and Health and Safety Executive publications in respect to development in proximity to overhead power lines.

PUBLIC RESPONSES:

118. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.

119. In total 35 representations were received. Of the representations received, none were in support of the proposals and 35 in objection as they stand. A petition with 24 signatures has been received from residents of Dryburn Park. Letters received raise points from a neutral stance or with both supportive comments and those in opposition. Outlined below is a summary of the main issues raised by objectors / supporters of the application and any other specific responses received from the public.

120. In Objection

Principle of the Development

- A masterplan requires devising first and the application should not have been validated and should be withdrawn
- The proposals (as a total) propose more dwellings than the Adopted County Plan states
- The proposal will harm the Green Belt and countryside surrounding Durham
- Social inequality will increase as a result of focusing development in the City at the expense of the surrounding villages
- Local infrastructure such as schools and medical facilities cannot cater for the development, there is a lack of local shopping facilities
- Existing housing areas should be regenerated
- Smaller estates in places like Witton Gilbert and Sacriston which need a boost would have been more appropriate

Highways Issues

- The housing cannot go ahead without the Western Bypass to mitigate the traffic
- All surrounding roads/junctions become unacceptably congested at peak times
- Queries are raised over what mitigation measures are proposed
- Emergency services will be delayed
- Traffic count figures, accident data and predicted trip rates to inform upon impact are out of date and/or inaccurate
- Cumulative impacts with other developments including Aykley Heads must be taken into account

- No mitigation is proposed south of Sniperley roundabout on the A167 to Neville's Cross
- Pedestrian crossing at Sniperley roundabout is dangerous and transport submissions identify a clustering of incidents at the junction school children cross to access Durham Johnston
- The shared use cycle/footpath going past the site on the A691 is narrow and must be improved, cycle and footpath provision elsewhere to reduce the need for cars needs improvement
- Walking distances to bus stops are too high
- Alternative access solutions are recommended
- Access is inadequate in event of emergency
- Concerns raised over whether access to Lanchester, Lanchester Road Hospital and Sacriston will be affected

Amenity and Pollution

- Concerns over air pollution impacts
- Loss of outlook due to the proximity of the development
- Concerns are raised in respect to land contamination and coal mining legacy
- Light pollution from street lighting requirements
- Queries raised over potential impacts upon the chicken farm near Potterhouse Amenity Site
- Queries raise over duration of construction period

Design, Landscape and Heritage Impacts

- Loss of greenfield land
- Landscape and visual harm
- Impact upon the Battle of Nevilles Cross
- Inadequate measures to mitigate impact upon the Green Belt
- Regard is not had to the character and setting of Sniperley Hall and Farm
- The childrens play area is located in dangerous proximity to pylons with their known cancerous potential
- Recommendations on more limited extents to the development are made
- The development is too large and out of character with the area
- Harm upon Sniperley Hall
- Lack of detail on aspects of design including housetypes, landscaping and parkland proposals

Sustainability and Climate Change

- The homes must be sustainable utilising renewable energy sources
- The park and ride car park expansion is opposed – it defeats the object of building houses close enough to the City that their cars are not required
- The sustainability credentials of the proposal are not fit for the future with gas boilers for example
- No electric charging points are proposed
- Public transport is too expensive
- Queries regarding whether buses will enter the site or not

Ecology

- Loss of habitat

Flood Risk and Drainage

- There is a risk of groundwater flooding
- Concerns are raised over sewerage capacity

Other Issues

- Affordable homes must be delivered
- Bungalows are not proposed
- Questions within the application form are inaccurately completed
- There is an absence of well paid employment opportunities and this development will generate more competition
- There is conflict with the Building Regulation submission which is proposed for 395 dwellings

121. The City of Durham Trust – Raise objection. The submission and validation of the application prior to the completion of a comprehensive masterplan is contrary to CDP Policy 5 and the application fails to recognise the wider CDP Sniperley Park allocation beyond the 20ha extent of this application. Reference is made to the specific Policy 5 criteria relevant to the proposal and the considered conflict. Particular concern is raised with the absence of comprehensive approach to resolving the potential highway safety and highway network impacts. Recent appeal decisions highlight the need to achieve high quality residential development. The Trust identify specific elements of the NPPF and CDP which the proposals are considered to be in conflict with.
122. The Western Relief Road Action Group – Raise objection. The application is premature and should not have been validated. It is essential that a masterplan is developed. Consideration must be given to S106 requirements and how funds will be prioritised in recognition of the impacts of the development upon services, facilities and the community. The application should be withdrawn until an approved master plan is in place.
123. County Durham Green Party – Raise objection. The submission is contrary to the CDP Policy 5 requirement for the site to be comprehensively masterplanned, the scheme should be withdrawn or refused. The application is insufficient in detail to meet the detailed requirements of CDP Policy 5, of particular concern at the cumulative effects upon transport infrastructure and highway safety, health and education provision, sports and play provision, drainage and biodiversity. The scheme is not of exemplar design. The application makes little attempt to address climate and ecological emergency issues with inadequate carbon reduction measures, lack of clarity on biodiversity gain and little substance in encourage transport modal shift. Amendments to date do address these concerns. The application should be refused.
124. Campaign to Protect Rural England (CPRE) – Raise objections. The application does not present a comprehensive masterplan for the whole Sniperley Park site contrary to CDP Policy 5. CDP Policy 5 requires the use of Design Codes to ensure high quality design outcomes which have not been included. It is considered that attractive and safe links to the existing park and ride or proposed extension have not been provided.
125. SPACE for Durham – The present application makes no proposals to improve connections to the east of the A167, and does not demonstrate that facilities like schools, shops, health care and employment can be access safely by walking or cycling. No reference to the Durham City Sustainable Transport Delivery Plan 2019-2035 is made, omitting schemes aimed at ensuring safer walking and cycling routes in the vicinity of the site; together with the Durham City Local Cycling and Walking

Infrastructure Plan. Do the proposals provide “convenient, safe and high quality pedestrian and cycle routes ... connecting to adjoining facilities” (CDP Policy 21), no.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

126. 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, sustainable development, addressing housing need, layout and design, landscape and visual impacts, heritage and archaeology, highway safety and access, amenity and pollution, ecology, drainage and flooding, public open space, education, healthcare, agricultural land classification and other matters.

The Principle of the Development

The Development Plan

127. 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 County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

128. 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.

129. The provisions of the development plan need to be clearly understood in the context of these proposals. As a site allocated under Policy 4 of the CDP, the development of the site is considered acceptable in principle for new housing development. However, the

context within which the principle of development is accepted requires consideration of the terms of CDP Policy 5. CDP Policy 5 sets aside two sustainable urban extensions to the city, of which this application forms only part of one wider comprehensive allocation. The policy outlines several site-specific criteria against which proposals must adhere in order to be in accordance with the policy when it is considered as a whole. These are: -

- a. Sniperley Park will be a sustainable urban extension incorporating a centrally located local centre which will act as the focus for community activity, including convenience retail provision for A1 floorspace and an allowance for A2, A3 and A4 units [uses now covered under Class E] to facilitate a viable and vibrant community. The local centre will also include a building suitable to be used as a health centre;
- b. a new primary school will be provided of a scale which will meet the expected requirement for school places generated by the new housing development. The primary school should be readily accessible to public transport, walking and cycling routes. The primary school will contain associated playing fields which will replace those lost at the southern end of the site and will be of an equivalent or better quality; equivalent quantity and available for use by both the school and by community teams via a community use agreement;
- c. structural landscaping will be required along the A167 and the southern edge of the new road from the A691 to the Pity Me Roundabout to ensure suitable screening and that the perception of an extension to Durham City is minimised;
- d. a surface and foul water drainage management plan incorporating SuDS will be required with no further water draining into the Blackdene Burn. Where possible wider opportunities for improvement of local water quality should be explored;
- e. the design of development in the vicinity of Sniperley Hall and Farm will have regard to their character and setting, and the recognition of the area as an Historic Park and Garden of Local Interest, including through the provision of public open space and the use of reduced housing densities. The woodlands in that area will be retained;
- f. any visual association with the Durham Castle and Cathedral World Heritage Site will be given special regard to reflect its significance;
- g. as a major benefit to new and existing residents, a linear park will be provided in perpetuity through the centre of the site. It will run from Folly Plantation in the north, through the former Cater House Pit to the parklands of Sniperley Hall in the south. The park will comprise of approximately 25 hectares of public open space, wildlife habitats, playing fields and community woodlands connected by a network of footpaths and cycleways linking housing areas with the local centre, the wider countryside and the urban areas to the east. It will incorporate the mature woodlands and tree groups of Sniperley Park, maintaining the relationship of the Hall with land to the north and with Sniperley Farm, having regard to their setting. It will incorporate the habitats of the former Cater House Pit and Folly Plantation, providing new linkages between them and the wider countryside;
- h. schemes of compensatory improvements to the environmental quality and accessibility to the remaining Green Belt will be provided:
 1. on land north and south of the A691 to the south of the site to include, the planting of new hedgerows, woodland, parkland trees and hedgerow trees, habitat creation to buffer existing features and new public rights of way linking to the wider footpath network in the Browney Valley to the south; and

2. on land north of Potterhouse Lane and south of Little Gill, to the north of the site, to include the planting of new hedgerows and gapping up of existing hedgerows, the planting of new hedgerow trees, the planting of new woodland along Little Gill and on steeper slopes to connect existing woodland with woods to the east, habitat creation to buffer existing features, and new public rights of way providing opportunities for circular walks and linking to the wider footpath network to the north.
- i. opportunities for a district heating network will be explored given the site's proximity to Lanchester Road Hospital and Aykley Heads;
 - j. in order to achieve sustainable and cohesive communities, the development must be connected to the existing development to the east of the A167 through suitable, convenient, safe and attractive cycleways and footpaths;
 - k. the expansion of the Sniperley Park and Ride facility will be required. Attractive and safe links between the housing and the existing Park and Ride facility will be created to maximise its use by residents;
 - l. to ensure that there are no unacceptable impacts on highway safety or severe residual cumulative impacts on the wider road network (in terms of capacity and congestion), details of all necessary on and off-site highway works and improvements, together with a timetable for their implementation, shall be agreed with the council as part of the comprehensive masterplan and any future planning applications for the Sniperley Park site. These works and improvements shall include, but not be limited to:
 1. improvements at the junctions of Trout's Lane, Potterhouse Lane and the B6532;
 2. a new link between the B6532 and the A167 park and ride roundabout; and
 3. capacity improvements along the A167 corridor from Neville's Cross to Sniperley, including improvements to Sniperley Roundabout.

A contribution to delivering sustainable transport in accordance with policies 21 (Delivering Sustainable Travel) and 22 (Durham City Transport) will also be required.

130. Furthermore, the policy seeks to reduce the dominance of car traffic and improve permeability with high quality bus, pedestrian and cycle routes within, and connecting to adjoining facilities through compliance with Policies 21 (Delivering Sustainable Travel) and 22 (Durham City Transport), and the Durham City Sustainable Transport Delivery Plan. The policy also notes that key to these should be a network of good-quality, multi-functional green infrastructure in accordance with Policy 26 (Green Infrastructure). Each requirement of the Policy above will be evaluated throughout this report against the proposals in order to assess if they would be considered acceptable.
131. Being considered under the CDP as a suitable housing allocation, the proposed location is, in principle, considered to promote sustainable patterns of development, capable of delivering attractive, well designed places and incorporating sustainable development principles and construction methods. The site would be viewed as contributing successfully to the delivery of new housing in the County in line with the CDP and Policy 4. As a housing allocation, CDP Policies 4 and 5 comprise those specific policies which accept in principle housing at the site.

132. The Sniperley Park allocation lies partly within the Witton Gilbert Parish area and as such the adopted Witton Gilbert Neighbourhood Plan (WGNP) applies to the relevant parts of the development affected. Policy 1 of the WGNP allows for development outside of the Witton Gilbert settlement boundary where it is allowed for in the Development Plan – the site is allocated under CDP Policy 4.
133. Consequently, this application receives support in principle from the County Durham Plan but this support in principle is subject to the detailed assessment of the specific proposals against the requirements embedded within Policy 5.

Masterplan

134. Sniperley Park was originally part of the Green Belt surrounding the City of Durham, considered today to form a function to check unrestricted sprawl of built-up areas, prevent coalescence of settlements, safeguard countryside from encroachment, preserve the setting and character of historic towns, and assist in urban regeneration priorities (NPPF Paragraph 138). As part of the CDP package to deliver the necessary numbers of new housings within County Durham to 2035, it was considered necessary for this for two sites around the City of Durham Green Belt to be released for new development, Sniperley Park forming the larger of two allocations. To achieve this status, the CDP at Examination was thoroughly assessed by the sitting Inspector, and changes requested by them resulted in the Inspector endorsing the release of Sniperley Park from the Green Belt. As part of that assessment, the Inspector also endorsed the provisions contained with CDP Policy 5 in justifying the release of the site from the Green Belt and the exceptional circumstances that the CDP put forward for the allocation of Green Belt land for new development. The Council consider that the CDP, and the specific requirements of Policy 5 contained within, are up to date and fundamentally consistent with the NPPF. The CDP and its requirements therefore attract full statutory weight in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
135. A requirement of CDP Policy 5 is that the development should be comprehensively master planned. In June 2022, the Council adopted its own masterplan for the whole of the Sniperley Park allocation following consultation with the public, showing the vision of how the Council expects to see the delivery of 1,700 new homes along with associated services and facilities to create a vibrant and self-sustaining mixed community. The masterplan outlines that the Council expects proposals for Sniperley Park to be an extraordinary development that responds to its special location and character. It will be an exemplar of design excellence and strive to be a carbon neutral development through its use of renewable energy, excellent sustainable transport connections and the high standard of its housing. Sniperley Park will also provide opportunities to live well and nurture physical and mental wellbeing including through extensive and high-quality new parkland both within the site and on the remaining Green Belt for new and existing residents. The site will also be required to be supported by the infrastructure it needs to be a thriving community, including a new local centre, a new primary school, community building and significant highway improvements.
136. The applicant's made representation to the Council as part of the public consultation period for the masterplan as well as twin tracking their own draft masterplan. The primary concern raised related to the scope and delivery of on and off-site highways works as well as the wider infrastructure requirements of CDP Policy 5; however, several of these areas were covered by all parties at the Examination of the CDP whereby the Inspector following modification found the requirements of the Local Plan and Policy 5 to be sound. As the masterplan is adopted, been through consultation with the public, it will form a material consideration in the determination of this application. Having consistency with CDP Policy 5, and therefore the examining Inspector, the

Council's masterplan is considered to carry significant weight in the decision-making process.

137. The development proposals currently put before the Council are formed from two separate planning applications covering different parts of the Sniperley Park allocation. Each application offers different levels of detail; full detailed permission for the western portion of the site adjacent to Sniperley Hall and the Sniperley Park and Ride, and outline to the remainder of the site. This frustrates the Council's ability to assess the cornerstone requirement of CDP Policy 5 that the planned urban extensions of Durham City are comprehensively master planned. Both parties who are involved in the submitted planning applications have also chosen to work together to produce a masterplan of their own. This was submitted to the Council in February 2022 as part of on-going discussion with regard to the planning applications and is stated as having been formulated in consultation with key stakeholders.
138. In comparing the submission to the Council's adopted masterplan, several areas of difference are noted. These range from connections to and through the site, to the density of the built development and parkland setting, the details of which will be assessed elsewhere in this report. Importantly, the piecemeal delivery of the proposals through separate planning submissions leads inexorably to question the ability of each to demonstrate how their proposals are capable of providing and delivering the infrastructure and service requirements of CDP policy and the Council's adopted masterplan. In failing to establish that the comprehensive delivery of the allocation would be achieved, the application is fundamentally at odds with the CDP Policy 5 and ultimately the rationale for the Green Belt release of the site as a sustainable and deliverable urban extension.
139. All of the above shows clearly from the outset that the subdivision of the housing allocation in to separate planning applications is inconsistent with the requirement of CDP Policy 5 for Sniperley Park to be comprehensively master planned and key elements of the policy cannot be achieved as a result.

Sustainable Development

140. Sniperley Park is one of two sustainable urban extensions to the City of Durham proposed under the CDP (2020). In order to achieve that status, CDP Policy 5 sets out a number of site specific requirements needed from future development which are needed to achieve a sustainable urban extension, ranging from new on-site facilities to improved energy efficiency and strong connections to the surrounding locality. Policies 22 (Durham City Sustainable Transport) and 29 (Sustainable Design) are key supporting policies within the CDP to underpin the sustainable urban extensions.
141. The DCC masterplan seeks the delivery of a carbon neutral development through the use of renewable energy, excellent sustainable transport connections and a high standard of housing. This should include provision of onsite electric and non-fossil fuel based heat production, no gas connection and consideration of PassivHaus construction. Policy 5(i) requires the opportunity for a district heating network to be explored with respect to the surrounding area.
142. The submitted Wardell Armstrong Technical Note on District Heating discusses building emission reduction. It references the emerging Building Regulation changes and upcoming interim and then Future Homes Standard emission reductions that these would bring. It is accepted that adherence to the natural progression of Building Regulations and the emission reduction levels therein would meet and surpass the content of CDP Policy 29 (o); however insufficient information has been put forward to consider the requirements of CDP Policy 5 (i) for the provision of a district heating

system. The physical viability as well as the economic viability have not been fully addressed in the planning applications and as such compliance with CDP Policy 5 (i) in that regard cannot be fully assessed.

Addressing Housing Need.

143. Policy 15 of the CDP, mirrored by WGNP Policy 2, states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy 15 of the CDP and Policy 3 of the WGNP. As this site is within a highest value area, this development would require 25% affordable housing in the form of affordable home ownership and affordable rent.
144. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. Both complement the overarching requirement of Policy 5 to incorporate an appropriate mix of house types and tenures to reflect housing need.
145. This application proposes the provision of 93 affordable units out of a total of 370 proposed, meeting the headline requirement of 25%, the tenure breakdown of the proposed units is yet to be agreed. These are broken down in to 3 x 1 bed units, 71 x 2 bed units and 17 x 3 bed units, with 2 bed units being the bulk of the proposed affordable offer to align with the requirements of the Strategic Housing Market Assessment (2018) that highlights a countywide need for units of this size. In terms of property types, 34 two bed roomed dwellings are proposed alongside 17 three bed dwellings, with a further 3 one bedroom and 39 two bed roomed apartments. Of these, all affordable dwellings and apartments would be built to M4(2) standards, as required by Policy 15 of the CDP.
146. Furthermore, of those 42 apartments, 11% (5 apartments) would be built to M4(3) standards where a property is built for use by a wheelchair user and the applicant highlights these apartments as meeting the requirements of Policy 15 of the CDP and Policy 3 of the WGNP in accommodating the needs of older people and people with disabilities. All apartments would be offered as affordable rent, and the applicant has provided some evidence of interest from a local Registered Provider in operating the apartments subject to their stated requirements.

Layout and Design

147. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 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. WGNP Policies 2 and 6 require new housing results in high quality sustainable design based upon robust analysis of the character of the built and local environments that contributes positively to place-making. Emphasis should be placed upon energy efficiency and incorporation of renewable and low carbon energy generation where viable.

148. Policy 5 of the CDP requires development of this site to be comprehensively master planned. Sites should deliver attractive, well-designed places, incorporating sustainable development principles, adopting sustainable construction methods and using appropriate densities across sites in line with Policy 29. Design codes will be utilised to ensure distinctive, high quality design outcome for the site.
149. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice (outlined above) and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions owing to the nature of the application. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. The scheme scored poorly, achieving 0 green scores, 1 amber score and 9 red scores (with 2 unknown scores) following its reassessment after amendments were made to the scheme.
150. Policy 5 (a) sets out the basic requirement for the Sniperley Park allocation to be a sustainable urban extension to Durham City. This key aspect formed the basis for the release of the site from the Green Belt and the acceptance by the Planning Inspector at examination of the exceptional circumstances for doing so. Sniperley Park should act as a focal point for community activity, have access to retail, small office businesses, restaurants, cafes and pubs to facilitate a viable and vibrant community. To support residents in this a health centre as well as a primary school (Policy 5 (b)) and its associated playing fields are to be provided and available for use. Relevant structural landscaping will be required as part of the wider site design (Policy 5 (c)) as well as incorporation of sustainable water drainage management (Policy 5(d)). Policy 5 (e) specifically ensures that the design of development in the vicinity of Sniperley Hall and Farm having regard to their character and setting, recognition of the area as a Historic Park and Garden of Local Interest, including the provision of public open space and the use of reduced housing densities. Woodlands surrounding this area of the parkland will be retained.
151. A design code for the application site has been submitted as part of this application and revised during the course of amendments to the scheme. It features character areas, two in total, which seek to show distinct development in the different parts of the application site. In assessing the development, the Design Review Panel welcomed the inclusion of these character areas, however the detail of the design code is deemed questionable and based around existing housing types of the applicant rather than being locally inspired or of otherwise distinctive character. For example, several character areas include very similar details and materials, with variation only in window design. This will not allow for visual distinction across the site and will limit wayfinding. The scheme therefore is not considered to create a place with locally inspired or otherwise distinctive character.
152. Overall, the development provides a total of 9.17Ha out of a total of 19.37Ha of the site to access roads and open space in the form of a linear park and compensatory habitat for green belt release. This would leave a developable area of 10.2Ha and an average density of 36.2 dwellings per hectare across the site. This is not uniform, densities to the southeastern portion of the site near to the fire station and park and ride where apartment blocks are located see this increase to 60 dwellings per hectare; with larger

detached properties to the north west portion of the site reducing to 23 dwellings per hectare. The CDP in allocating the entirety of the Sniperley allocation highlighted that development should yield 1,700 dwellings across the entirety of the allocation. This figure is derived from taking a reduction of 25% of the total area of the site to give a 'net developable area' that does not include green and blue infrastructure. The plan then applies a uniform 30 dwellings per hectare (dph) to achieve the figure of 1,700 dwellings. This application, in proposing to develop at an average of 36.2 dwellings per hectare has from the outset sought to develop above the levels outlined in the CDP.

153. This has a knock-on effect upon ability of the development and how it can then achieve the requirements of the CDP in delivering attractive, well-designed places required by its policies. While densities can often be varied across a development site, which can benefit high quality design, issues can arise where densities conflict with site constraints and the character of a site and its periphery. Policy 5 (e) specifically requires development in the vicinity of Sniperley Hall and Farm to have regard to their character and setting. Part (g) requires as a major benefit to new and existing residents a 'linear park' be provided through overall site from north to south, centrally positioned and leading into the parkland of Sniperley Hall. Existing woodlands and tree groups of the Parkland will be incorporated, maintaining the relationship of the Hall with land to the North and with Sniperley Farm, having regard to their setting.
154. In pushing built development beyond the CDP expected housing yields and increasing overall density of new dwellings, the applicant has proposed the introduction of built development in close proximity to both the linear park and to the Hall and Farm. Development is pushed close to the edges of the Sniperley Hall's complex of buildings as a result of needing to accommodate this uplift in density. The Council's adopted masterplan for the site envisages more generous setback from the Hall and open vista's when viewed from the northeast. The resulting impact from these proposals is to fundamentally alter the setting of the Hall beyond that deemed acceptable by Policy 5 of the CDP.
155. Between the Hall and Sniperley Farm is a line of overhead powerlines which are held by pylons that run southwest to northeast through the site. The DCC Masterplan requires development to establish clear space for their provision and keep vehicular routes to perpendicular junctures to avoid emphasising their presence. This development, through the provision of a higher density, squeezes the linear park in this location and pushes the built development close to the overhead structures. In essence, the linear park ceases to present as a wide, open public space and more of a tight, building dominated pinch point that is further impacted by the need for SuDs related features to the north-eastern side of the internal road layout. Consequently, the benefits of this space as a linear park of publicly accessible open space are questioned, particularly with the added dynamic of inability to control this element of the linear park against the wider allocation due to the piecemeal approach to planning application submissions.
156. Sniperley Farm resides to the rear of the fire station and at the interface between the culmination of the linear park where access is taken from the A691 and the southern portion of the application site where this application proposes its highest density of dwellings. The DCC masterplan again here sees the retained historic elements of the Farm forming part of a frontage onto the termination of the linear park and main access into the allocation from the west. The application proposes to surround the farm building complex with housing to the north and east, with apartment blocks to the southeast at the rear of the fire station. Ultimately however, the buildings do not form part of this application and so their final status outside of the control of this application and contrary to the comprehensive master planning required by CDP Policy 5. New dwellings are however, proposed to abut the eastern and northern sides of the retained elements of

the complex with no accessibly public elevations. Once an open farmstead to the north and east, the proposed setting it within this application seeks a compromise between views across the entrance feature landscaping and the high housing densities of the site, particularly in this area. This compromise together with a lack of understanding and control over the redevelopment of Sniperley Farm (outside the scope of this application) results in the proposals not complying with CDP Policies 5 and 29 in this regard.

157. While the expansion of the Park and Ride site sought in outline, the interaction between this site and the existing park and ride site is provided in full detail. Three storey apartment blocks flank the rear of the fire station and part of the park and ride site. As part of the linear park running along the eastern side of the application site down to the park and ride, the built development pushes close to the site boundary, and while a vehicular access into the adjacent site is now proposed following revisions, the location is at a point where the parkland setting disappears through its proximity to an existing field / ownership boundary. This leaves this area reliant upon a separate planning application to ensure compliance with the requirements of CDP Policy 5 to deliver the site as a comprehensive masterplan to an area seen as key pedestrian and cycle route towards the park and ride and the city. The road layout which results in this area to accommodate the necessary housing numbers in this high-density part of the site results in a difficult environment in which to way find towards the park and ride site. The DCC Masterplan sees the function of the parkland area as a key route from the wider site south towards the park and ride site and the A167 / Park and Ride roundabout. This is not achieved in a manner considered to be of a high quality by this application and would leave a development somewhat insular in its ability to intuitively navigate its future residents towards the Park and Ride area.
158. Connectivity, both within the site and out of the site are key elements to a proposal. These should be multimodal and offer convenient and accessible routes for future occupiers and users of a development. Upon submission of this application, the development had a single point of vehicular access from the A691. The result was the development failed to provide any permeability between itself and the remainder of the housing allocation – a critical flaw to comprehensively master planning the overall site. After a round of amendments, this link was provided, however its position placed it at the pinch point of the development into the linear park and the route to the Park and Ride. There is not a clearly defined public traversing point north and south through the linear park or how this would be treated against the adopted highway. Furthermore, the street hierarchy becomes confused as a result of the inclusion of the link, with the cramped layout making it difficult to intuitively read as an effective primary route to the remainder of the allocation.
159. Further to the northern part of the application site, the proposed connections through to the north and east towards the Local Centre required by CDP Policy 5 are considered poor. No Local Centre or other infrastructure is shown in this application and so must be delivered elsewhere in the allocation by a third party in order to satisfy the Policy. Pedestrian only connections are proposed to provide access for all of this development to access the Local Centre on foot or by bicycle. The provision of an appropriately designed and focused multi-purpose connection to the Local Centre is a necessity to ensure high quality design principals are met. The Council's Masterplan and Healthy Active Travel Connectivity Plan for the Sniperley area both see the permeability to the Local Centre as a crucial element of meeting the requirements of CDP Policy 5 and the provision of the infrastructure for future residents.
160. Internally, connections are made via the highway network and public open spaces which offer the most readily accessible public vantage points of the development. Wayfinding and defining streets and spaces can be done by providing a hierarchy of streets down

which residents and visitors can intuitively navigate and at the same time provide a sense of positioning within a development from main thoroughfares to residential cul-de sacs. The proposals provide for a confusing picture of primary, secondary and tertiary streets across the development. Equally, there remains a heavy reliance on what will be small trees in small private front gardens in seeking to achieve the tree-lined streets required by NPPF. Wayfinding in the development to the south and the Park and Ride is indirect and limited in spatial reference points. The internal routing of the proposed inter-site connection does not give the appearance of a primary connection between 'A' and 'B' roads. Turning northwards inside the development brings further limited wayfinding opportunities, here aforementioned character area differences would play a key role in ensuring users can intuitively navigate around the site.

161. Car parking to dwellings and the proposed layout are considered to limit the ability of many streets to function as multipurpose, socially inclusive spaces. Pedestrian and cycle only routes are segregated from the highway and offer no alternatives to users within the development. Density again plays a crucial role in this aspect which sees spaces outside of dwellings limited to larger open space locations. Even down to the small scale, some properties fail to meet the requirements of the Council's Residential Amenity SPD for minimum 9 metre garden lengths.
162. Green and blue infrastructure is a key element of new development proposals in the 21st century and the need for these to be incorporated within developments in an appropriate manner, twinning their usability by future occupiers with their functional requirements. The multi-functional requirements of these spaces make them important features within the overall design of new development. In these proposals the opportunity to maximise the presence of the linear park and other green space links has not been taken. Some drainage features are present, however their ability to function as multi-use spaces has not been fully understood and remains unclear making them unsuitable in a residential environment.
163. As a green belt release allocation in the development plan this site represents an opportunity for a development of exemplar design quality to flank the main urban area of the County. It was not intended to be, nor was it promoted as, an "anywhere" modern housing estate. CDP policies have been adopted by the Council to this effect; however, the development proposed fails to meet the requirements of the policies regarding sustainable design (Policy 29), green infrastructure (Policy 26), sustainable transport (Policies 21 and 22), water management (Policy 35), landscape (Policy 39) and trees (Policy 40). Also, the proposals fail to meet the requirements of Policies 2 and 6 of the WGNP as a result. Forming part of the sustainable urban extension to the City of Durham, the further requirements of CDP Policy 5 relating to Sniperley Park that build upon the aforementioned policies are equally not met and contribute to a below par development that does not meet the requirements for high quality design compulsory of the CDP.

Landscape and Visual Impacts

164. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Those developments affecting Areas of Higher Landscape Value (AHLV) would require a higher bar of conserving and where possible enhancing the special qualities of the landscape where benefits clearly outweigh harm. WGNP Policy 6 builds upon this requirement to ensure that new development responds local landscape character.

165. Policy 5 (c) requires development of Sniperley Park to include structural landscaping along the A167 and the southern edge of the new road from the A691 to the Pity Me roundabout to ensure suitable screening and that perception of an extension to Durham City is minimised. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
166. Landscape impacts would be experienced both at nearby locations and across the wider area. The effects of development at site level would be transformative. The principal woodland structure would be retained, but the majority of open land would be developed as housing. Landscape Officers would assess the effect during construction and following development as high and adverse to a landscape of medium-high sensitivity. This would result in the overall effect upon the landscape being assessed by officers as moderate-major significance.
167. The assessment of effects on the local landscape is more complex because of the split nature of the planning applications submitted. Considered in isolation the development would read as a sprawling incursion of built form into open countryside visible between and through trees from the north from where the effect would be high and adverse. From the south the development of the site access and some built form / roofscape would be visible on the skyline. This would be appreciated in near views from the A691 and in more distant views across the Browney Valley. Effects in views from the B6532 would be substantial if considered in isolation: as part of a wider development views from the B6532 would be obscured or replaced by otherwise attractive interior views of the development.
168. The overall effect upon the landscape in this scenario would be considered by Landscape Officers to be of a medium magnitude falling to medium low as landscaping matured on land falling to the A691, screening some of the development. The landscape is assessed as being broadly medium to the north and medium-high to the south in terms of landscape sensitivity and the effect taken in the round as being again of moderate-major significance. All of the above further highlights the need for a wholistic master planned approach to delivery of this Sniperley Park site.
169. At a local level, built development would be visible at close quarters from Footpath 9 (Witton Gilbert). The character of views would be substantially altered although the route would remain attractive as a semi-rural path. Built development would again be visible from sections of Footpaths 12 and 15 (Witton Gilbert) to the south from where some development would be visible on the skyline or in the backdrop to the fire station and new infrastructure (roundabout / access road) would be visible in places. The effect of these is considered by Landscape Officers to depend on factors yet to be detailed – for example management of intervening hedges. The development would be largely screened in time by vegetation, and compensatory works in the immediate vicinity would have beneficial effects in time. Visual effects from adjacent sections of the A691 would be similar in nature, but also transformative easing with time. Built development in the north-west of the site would be visible from parts of Lanchester Road Hospital, partially screened or filtered by vegetation and intervening buildings.
170. Built development would be visible on the northern skyline in views from a range of receptors on higher ground over the Browney Valley to the south, in places associating with existing buildings at Sniperley Farm and the fire station. The development would be largely screened in time by vegetation.

171. Effects upon the historic Sniperley Park are considered to be moderate adverse, as outlined in the application submission and which is agreed by the Landscape Officer. The hall and older park to the south would not be directly affected. The farm, principal woodlands and route of the drive connecting hall and farm would be retained within the framework of the development. The character of the open land of the ornamental farmland would be transformed by built development, which would obscure general views across the landscape, and some hedges and trees planted as part of the designed estate would be lost. Some degree of legibility with views across the site linking principal buildings and woodlands would be retained.
172. The proposals would entail the loss of some trees of high landscape / amenity value – and particularly those Category B trees covered by TPO. Other higher quality trees have been retained and integrated into the design. The proposals provide for suitable replacement planting within the site and in areas of compensatory improvement. The proposals would entail the loss of a number of hedges that formed part of the original layout of the small C19th estate landscape of Sniperley Hall and could therefore be considered to have some heritage value. The hedges are otherwise species poor and in variable condition. Provision of replacement planting will be ultimately governed by the requirements of achieving net biodiversity gain across the site. Again, the extent to which these are accepted or otherwise should be factored into the planning balance.
173. Layout changes to the linear greenspace to reflect the powerline corridor have been undertaken as requested; however, the space remains narrow and its quality will depend heavily on detailed landscape proposals which will be submitted at a later date. There have been some changes made to the main SE-NW distributor road, yet there remains a heavy reliance on what will be small trees in small private front gardens in seeking to achieve the tree-lined streets required by NPPF. The longevity of features in small private plots is insecure. This road should reflect its function as a secondary street overall layout.
174. Evolution of SuDS has seen interruptions to proposed path networks south of the powerline which have been downgraded to ‘welly walks’ and no longer feature on the layout plan. This leads to a less than satisfactory movement framework, downgrading the importance of the open space and omitting a critical part of the required linear park south towards the Park and Ride. Formed landscaping features close to Sniperley Farm would not be considered in keeping with the historic parkland/estate landscape.
175. As a result, Landscape Officers consider that the proposals would cause some potentially significant landscape effects at a local level with regard to CDP Policy 39 and WGNP Policy 6. They would not conserve or enhance the special qualities of the AHLV as there would be some harm to its historic interest as a designed landscape and its scenic qualities without appropriate and sensitive mitigation. The proposals have been designed to lessen these effects appropriately although there would be unavoidable residual effects at the site level. Some harm ultimately has been allowed through the allocation of the site for new development, the extent of how that harm has been perpetuated by the proposals has been considered above (Layout and Design) to have not meet the requirements of the CDP Policy 5 and the Council’s masterplan. Failure to comply with these requirements is considered to weigh negatively in the decision making for this application.

Heritage and Archaeology

176. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic

environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Policy 5 (e) links into this policy to a degree, ensuring that the design of development in the vicinity of Sniperley Hall and Farm having regard to their character and setting, recognition of the area as a Historic Park and Garden of Local Interest.

177. CDP Policy 45 seeks to ensure that developments within the World Heritage Site (WHS) sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances. The supporting text to the policy states that where a development proposal leads to less than substantial harm to the significance of the WHS, that the harm should be weighed against the public benefits of the proposals. Policy 5 (f) specifically requires any visual association with the WHS should be given special regard to reflect its significance.
178. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
179. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
180. A search area of 2km was used to identify designated assets, with a search area of 500m for non-designated assets. Within the 2km study area, there is one registered battlefield, three scheduled monuments, three grade II* and 43 grade II listed buildings and one conservation area. No designated assets are located within the Site boundary. The World Heritage Site of Durham Castle and Cathedral lies outside of the 2km search area; however, this asset was included within the assessment due to the scheme lying within the wider zone of visibility of the Cathedral tower and therefore aspects of views and visibility were taken into account. The Site lies within the boundary of a locally listed park, Sniperley Park, a 19th century small, country estate with the associated non-designated assets of Sniperley Hall and Sniperley Farm adjacent.
181. Design and Conservation consider no impact upon The Marquis of Granby Public House (grade II), the Farmhouse (grade II), Cottage and Stables (grade II) at Kimblesworth Grange, Fyndoune (grade II), Aykley Heads House (grade II*), the Gate piers and wall at County Hall (grade II), Western Lodge and Grey Lodge (jointly listed at grade II), the gateway and railings at the entrance to Western Lodge (grade II), Bearpark Hall Farmhouse (grade II), and Durham City centre conservation area.
182. Impacts upon sites further afield but of increased significant like the WHS and Neville's Cross Battlefield are considered to be of 'no impact / neutral' as detailed within the Cultural Heritage section of the Environmental Statement. Furthermore, the Grange and Chapels at Bearpark to the west of the application site are equally considered to no impact / neutral impacts from the proposed development. It is acknowledged that will

be a range of impacts that are temporary which would occur during the construction phase of the development. These findings are accepted by the Design and Conservation Team.

183. The heritage assets that are in closer proximity to the site are those which would see the most material impact from these development proposals. Sniperley Farm is visible on the Tithe Map of 1839, with the buildings present on site today following the 19th Century plan form and character. Sniperley Farm and its older ancillary buildings are therefore considered to be non-designated heritage assets. The main farmhouse sits closest to the A691 at the south west side of the building group, with additions to the house of similar age following building patterns of the time (single storey, at right angles forming courtyards). Beyond to the north east of the building group relatively 'modern' structures complete the grouping and it is these buildings only that form part of this application site.
184. The main farmhouse and some of its equally historic substructures are subject to a further planning application (ref: DM/21/03706/FPA) from the same applicant for the re-use and conversion to 4 dwellings. Omission of this cluster of buildings, so closely related to and affected by these proposals, means that impacts upon their significance are also restricted to the outcome of a separate planning application, where the determination of this application cannot influence or control. The Design and Conservation Team have from the outset sought the inclusion of the entire farmstead within a single application to allow the interactions between the new built development and retained conversions to be properly assessed. This fundamentally undermines the requirement of the CDP for the housing allocation to be comprehensively master planned, leading to moderately adverse impacts upon the farm steading in the planning assessment.
185. The submitted Environmental Statement referenced a moderate adverse impact upon the farm buildings from the adjacent new housing, that would be offset from the proposal for a longer-term re-use of the structures as residential accommodation. These impacts being considered to have less than substantial harm for assessment under Policy 44 of the CDP and Paragraph 203 of the NPPF. This harm would expand to include the loss of the buildings beyond those being converted to make way for this proposed development. Under these circumstances, the NPPF and CDP both require the public benefits of a proposed development to outweigh the less than substantial harm to the heritage asset. However, the scheme proposes residential dwellings and a footpath connection to the areas of the site where the heritage assets would be lost. This has been assessed as being of poor quality and design as part of the wider site issues earlier in this report and as such conflict with CDP Policy 44 and the NPPF are found.
186. Sniperley Hall sits adjacent to the site boundary and within the area identified as historic park and garden of local interest that extends into the application site. Evidence indicates that the hall dates from at least the 17th century and is a typical example of a country house with its ornamental parkland typical of this period. The Hall itself, together with the former Earl's House Industrial School of 1894-1899 (now Lanchester Road Hospital) are both considered to also be non-designated heritage assets. The Environmental Statement heritage section again suggests the parkland setting would have moderate adverse impacts from the proposed development, with the Hall itself a reduced minor adverse effect – all are considered as having less than substantial harm upon the non-designated heritage asset. During construction, the parkland setting would see a minor level of harm that would, once a suitable scheme was completed, transition into the longer-term impacts detailed above. The Design and Conservation Team accept the outcomes put forward as part of the ES in regard to the non-designated assets within the vicinity of the site.

187. In respect to archaeology, the application is accompanied by a geophysical survey which identified possible soil-filled features of uncertain age and origin, former ridge and furrow cultivation, former field boundaries and landscape features and land drains. The submitted Environmental Statement acknowledges the presence of the above features and that while these features would be mitigated through proposed fieldwork and written recording in line with the Council's required procedures, their loss would still occur and as such a moderate adverse impact result. This impact is considered to be less than substantial when assessing against the development plan. A methodology for site investigations was agreed and field work evaluation undertaken which concurred with the above. The results have been placed upon the historic record and no further objections are raised from the Council's Archaeology Team.
188. In conclusion, the proposed development would be considered to have less than substantial harm upon a number of non-designated heritage assets in the vicinity of the site. Impacts upon the WHS and Neville's Cross battlefield are considered neutral. The interaction between the proposed development and the nearby non-designated heritage assets cannot be fully assessed or controlled owing to the subdivided and fragmented nature of the approach to planning applications across the wider housing allocation. Subsequently, controls that could manage those impacts cannot be fully ensured that when coupled with impacts from the proposed housing layout result in less than substantial harm to the affected non-designated heritage assets. As part of the balanced judgement required by CDP Policy 44 and Paragraph 203 of the NPPF, the weight attributed to that harm is sufficient to bring conflict with those policies.

Highway Safety and Access

189. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 22 of the CDP seeks a modal shift in transport modes for Durham City to reduce car dominance and address air quality issues. WGNP Policy 2 requires new housing development to have safe access for all modes of transport.
190. Policy 5 (l) builds upon the above CDP overall policy requirements to reiterate their importance in delivery with regard to on-site and off-site highway improvements and their co-ordination as part of a comprehensive masterplan for Sniperley Park. The policy also directs where some off-site improvements should be made, but not limited to subject to proper assessment. These include improvements to junctions of Trout's Lane, Potterhouse Lane and the B6532; a new link between the B6532 and the A167 Park and Ride roundabout; and capacity improvements along the A167 corridor from Neville's Cross to Sniperley, including improvements to Sniperley Roundabout.
191. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required, with revisions requested during the course of the application to date to allow the impacts of the multiple applications to be assessed given that they are intrinsically linked. This revised submission included the TA's taking account of the other applications, with a joint methodology, trip rates and other assumptions. The TAs would be taken in assessed in conjunction with a selection of supporting documentation produced by the Council into the site, the wider highway network and in support of the CDP. Similarly,

the findings of the Examination in Public into the CDP during the adoption process resulted in critical changes for the Sniperley Park allocation.

192. During the examination, the Inspector sought to omit the need for the provision of the northern and western relief roads owing to their harm against a backdrop of limited benefits, including the facilitation of Sniperley Park allocation. The result, the Inspector found, was to focus any highway improvements to the existing local road network to ensure that the Sniperley Park development could be provided with safe and suitable access, stopping short of specific mitigation. In the round, the allocation of Sniperley Park for development so close to Durham City Centre represents an opportunity to maximise the use of sustainable modes of transport as a genuine alternative to the private car.
193. As a result, the development of the Sniperley Park allocation when assessed against NPPF paragraphs 110, 111 and 112, as well as Policy 5 of the CDP, the development is considered to be broadly acceptable in principle from a Highways perspective. However, further discussion is required around proposed mitigations, planning obligations and compliance with the DCC Masterplan, especially around the location of the proposed site access to the A167.
194. Nothing on the A167 south of Sniperley roundabout have been assessed as agreed with the applicant at the scoping stage. Issues of queue and delay south of Sniperley roundabout, especially around Toll House Road and Neville's Cross are well documented. DCC has previously commissioned a study by Aecom (A167 Corridor 'Option Development and Transport Modeling Results' (March 2018)) to consider what, if any improvements could be made to the A167 around Toll House and Neville's Cross. The link between Sniperley and Neville's Cross current carries between 22,000 and 25,000 vehicles on any given day (taken from DCC counts between 2010 and 2021).
195. While 1,920 dwellings on Sniperley is a significant amount of housing, once trips from the site (880 in the peak hours) are assigned onto the network, the increase in trips onto the A167 going through Toll House and Neville's Cross from this development, would represent a very small percentage increase against the existing traffic flows. This was acknowledged by the Inspector at the Examination of the Durham Plan who noted in his report: "*the increase in traffic expected from the full development of Sniperley Park would represent a modest proportion of the total amount using these junctions at peak times.*"
196. Taking total traffic flows in 2035, assuming that Sniperley Park is completely built out to 1,920 dwellings, the total flows which would be anticipated heading south of Sniperley roundabout would be circa 2,360 vehicles in the peak hours. Of this, around 140 of these would be vehicles from the Sniperley Park development. This would equate to just over 5% of the total traffic flow being as a result of the overall Sniperley development. Given the existing issues at Toll House Road and Neville's Cross, any request for this development to address those issues, given the relatively small additionality of traffic in the peak hours (circa 5%) to queue and delay at Toll House and Neville's Cross that traffic from this development would make, would not be considered to meet the tests for securing off-site mitigation under the Community Infrastructure Levy Regulations (2010). These being: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
197. Subject to future planning permissions, DCC has aspirations to bring forward a new Park & Ride (P&R) facility at Stonebridge, and an extension of the P&R at Sniperley. The P&R facility at Stonebridge would be expected would take circa 800 vehicular trips off the network per day which would have otherwise gone through Neville's Cross. The

extension of the P&R at Sniperley would remove circa 1000 trips off the network, many of which would have otherwise continued South towards Durham and ended up at Neville's Cross. At Sniperley, a link would be made from the proposed housing site, through to the P&R for pedestrians and cyclists. This would satisfy the requirements of Policy 5(k) in principle.

Local Highway Network Impacts

198. The Sniperley Healthy Active Travel Connectivity Plan (August 2021) has been commissioned by DCC as part of its work into an overall masterplan for the Sniperley Park allocation. The purpose of the plan is to identify and assess practical options to the connecting the Sniperley Park allocation, both outward and inwardly. A Health Impact Assessment (HIA) was undertaken for the CDP and it identified a number of recommendations of relevance to the Sniperley Park allocation. These included promoting and prioritising sustainable modes of transport as a healthier approach, which is the purpose of the document. The Connectivity Plan identifies several active travel routes from the Sniperley Development site to key destinations, such as shops, schools and greenspace. As such, the Plan supports the recommendations outlined in the HIA.
199. In support of the application, the applicant is seeking to implement a Framework Travel Plan, and eventually a Full Travel Plan, and has set aspirations for this Travel Plan to lead to a 5% modal shift away from the private vehicle towards more sustainable modes of transport. Any Travel Plan would be secured through the S106 agreement for the site, and set legally binding modal shift targets, and the Council's Sustainable Travel Team would continue to work with the developers to proactively seek modal shift from the private car to more sustainable modes. The result of this requirement is that trip rates of vehicles generated from the development during peak hours have been reduced by 5% accordingly and it is these figures which have been used to assess impacts upon the wider highway network.
200. Eight junctions on the A167 and A691 corridors have been modelled. Each of these is considered below. The revised joint TA has assessed 6 scenarios to reflect the fact that there are two separate landowners and planning applications, ranging from a 2021 baseline to fully built-out Sniperley Park and other developments considered relevant.
201. A167 / A691 / Dryburn Park Roundabout (Sniperley Roundabout) - In the scenario 'Total 2035' (1920 dwellings) is built out, Sniperley roundabout is expected to be operating over capacity (RFC 1.02) by 2035. While this is marginally over the design capacity (RFC 1.0), and over the idealistic RFC 0.85, it is considered that there are far wider benefits to the network of signalisation of Sniperley, the anticipated potential mitigation option for this junction. Where a roundabout has a dominant arm, this causes queues on other legs and has a knock on affect back to other junctions. In the case of Sniperley, queues on the Dryburn Park ('Blackie Boy') roundabout often result as traffic trying to enter the Sniperley roundabout have to wait for a gap in the traffic as a result of other traffic from the A691 and A167 moving across the roundabout. Signalisation of the Sniperley roundabout would enable queues currently experienced on the A691 link, the A167 link, and the Dryburn Park links to be given a green time to clear where currently they have to wait for gaps in the traffic, bringing a benefit over the existing unsignalised arrangement. Therefore, as part of the required off site highways works (S278 of the Highways Act), the applicant has proposed the signalisation of the Sniperley roundabout and would pay for the works, which would be secured through planning obligation (S106). This would satisfy CDP Policy 5(l), which sought improvements to the Sniperley roundabout.
202. A167 / Front Street / Potterhouse Lane Roundabout (Pity Me Roundabout) - This junction currently works within capacity in the baseline 2021 scenario with a maximum

RFC of 0.82 experienced on the A167 North leg (southbound to the roundabout) in the AM peak. In the Total development scenario in 2035, this junction is approaching capacity in the AM peak on the A167 North leg, experiencing an RFC of 0.9. However, this is still within design capacity, and is only marginally over the RFC of 0.87 which would be seen in the 2035 scenario without development. This shows that the Sniperley traffic does not have a significant impact on this junction and no mitigation is proposed or requested.

203. A167 / Park and Ride Roundabout - In the baseline 2021 scenario, the maximum RFC is shown as 0.54 in the AM peak on the A167 North leg (southbound traffic). This roundabout would be reconfigured as part of the development, to provide an additional leg to service the proposed development. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.75. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction. As part of the development of the allocation site, the existing B6532 would split with the road continuing to the Dryburn Park ('Blackie Boy') roundabout, but also a second 'fork' of the road would take traffic directly to the park and ride roundabout as required by CDP Policy 5(l). It is considered that this would help to relieve some of the existing incidence of queue and delay at the Dryburn Park ('Blackie Boy') roundabout by taking traffic which currently goes through that junction to get to the A167, to the A167 via the park and ride roundabout instead.
204. A691 / Park and Ride Roundabout - In the baseline 2021 scenario, the maximum RFC is shown as 0.54 in the PM peak on the A691 Southeast leg (westbound traffic) resulting in the junction working well within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.6. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction.
205. A691 / Trouts Lane Junction - In the baseline 2021 scenario, the maximum RFC is shown as 0.52 in the PM peak on the A691 / Trouts Lane right turn (westbound traffic). So, in the baseline 2021 scenario, the junction works well within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.69 in the AM peak. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction. Since 2015 there has been a recorded 'fatal' accident at this junction. However, it is noted that the proposed submission for this junction is for it to remain as a priority junction, which fits within the above modelling requirements and so no harm would be demonstrated with regard to highway safety and Policy 21 of the CDP and NPPF Paragraph 111.
206. B6532 / Front Street / Dryburn Park ('Blackie Boy') Roundabout - in the baseline 2021 scenario, the maximum RFC is shown as 0.61 in the AM peak on the B6532 Northwest leg (southbound B6532 traffic). So, in the 2021 scenario, the junction works within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.74 in the AM peak on the B6532 Northwest leg. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction.
207. B6532 / Potterhouse Lane Junction - in the baseline 2021 scenario, the maximum RFC is shown as 0.58 in the PM peak on the Potterhouse Lane right turn (north/west bound traffic). So, in the 2021 scenario, the junction works within capacity. In the Total development 2035 scenario, this junction is shown to continue to work within capacity with a maximum RFC of 0.69 in the PM peak on the Potterhouse Lane right turn. This is still within design capacity and shows that the Sniperley traffic does not have a significant impact on this junction. Since 2015 there has been a recorded 'fatal' accident

at this junction. However, it is noted that the proposed submission for this junction is for it to remain as a priority junction, which fits within the above modelling requirements and so no harm would be demonstrated with regard to highway safety and Policy 21 of the CDP and NPPF Paragraph 111.

208. B6532 / Trouts Lane Junction - in the baseline 2021 scenario, the maximum RFC experienced at the B6532 / Trouts Lane junction is 0.92 on the Trouts Lane right turn (south / east bound traffic) in the AM peak. In the without development scenario this RFC has risen to 1.01 for the left turn (Sacriston bound), and 0.98 for the right turn (Durham bound) in the AM peak. As a result, even without traffic from the Sniperley Park site, the junction is operating at capacity. In the Total development 2035 scenario, the addition of the full Sniperley traffic pushes the RFCs in the AM peak to 1.01 for the left turn and 1.07 for the right turn resulting in the junction still operating over capacity, but this is made only marginally worse due to the addition of Sniperley traffic. The applicant has put forward a mitigation scheme at this junction to reduce the impact of traffic on the operation of the junction.
209. The proposed access junctions to the site have also been assessed as part of the TA. As these junctions are yet to be constructed, they would be designed to carry the expected levels of traffic in the Total 2035 scenario and beyond, and modelling shows a maximum RFC of 0.67, well within design capacity.
210. Overall, with the mitigations to the junctions as proposed, it is considered that the impact of vehicular traffic on the operation of local highway network junctions as a result of this development would be acceptable. However, this alone is not a measure of the acceptability of the development as a whole, and other methods of transport, and the impact of the development on those, also needs to be considered.

Public Transport, Walking and Cycling

211. The Council's Accessibility and Network Planning Team have assessed the applications and considered their requirements for Public Transport provision for the site. It is noted from the planning application, that the proposed access point directly onto the A167 to the southeast boundary is situated approximately 400m further south on the indicative plans in the planning application, compared to the Council's Masterplan. This has a significant impact on both bus penetration across the site, especially from the Arnison and Mercia District Centre. However, it also has a significant impact on the accessibility for residents to bus provision.
212. It is considered that the location of the access as per the Council's Masterplan brings a considerable benefit in bringing a higher number of future residents closer to public transport provision. It is therefore considered for reasons of accessibility to public transport, and sustainability, that the current planning applications should amend the location of the proposed vehicular access onto the A167. Without amendment, consideration should be given to the inclusivity of the proposals to meeting sustainable transport means and the requirements of the CDP and NPPF in promoting health lifestyles.
213. To deliver a suitable bus service for the whole Sniperley site, a service which operates on the proposed link between the A691 and B6532 would be required. This would require an appropriately specification road link between the two planning applications submitted across the Sniperley Park allocation to meet the requirements of CDP Policy 5 and to reflect the Council's Masterplan.
214. The requirements of the Accessibility and Network Planning Team have been broken down into three proposed phases, to match the proposed phases of the development

put forward by the applicant. When discussing buses per hour below, the number refers to the number of additional buses each way per hour.

215. Phase 1 (415 dwellings) - The frequency of the services on the B6532 should be increased by 2 buses per hour in the AM/PM peaks and school travel times. A new dedicated service should be introduced operating to and from the Arnison Centre with a minimum frequency of 2 per hour Monday to Saturday daytime, and 1 per hour evenings and Sundays. Initially, before the link between the B6532 and A167 is constructed, this service should operate to/from Arnison via Dryburn Park roundabout / Framwellgate Moor Front Street. The trigger for the introduction of this service is to be confirmed. To facilitate the dedicated Arnison Centre service, a new temporary bus turning facility must be provided at the northwest extent of the Phase 1 land. The provision of 2 pairs of bus stops with full complement of infrastructure which would be required to be positioned in optimal locations on the B6532 adjacent to the Phase 1 development pockets. Full details of the bus stop and associated infrastructure specification must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team. Spacing must take into account housing distribution and be designed to minimise walking distances from the greatest number of units.
216. Phase 2 (numbers of dwellings to be confirmed) - Services operating direct to/from Durham on the B6532 would be required to be increased to 6 per hour Monday to Saturday daytimes, and 2 per hour evenings and Sundays. To support this, a pair of bus stops with full complement infrastructure, would be required on the B6532 towards the western extent of the Phase 2 build out. Locations/full details of the bus stop and associated infrastructure specification must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team. Provision of a permanent turning facility which would be provided at the northwest boundary of the build out would also be required. Again, locations/full details of this must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team.
217. Phase 3 (numbers of dwellings to be confirmed) - Following the construction of the new link road between the B6532 and A167, the dedicated Arnison Centre service would be re-routed. The link road should follow the alignment as set out in the Council's Masterplan. This would also require the site access on the A167 to be located as per the Council's Masterplan rather than as shown indicatively in the application. To support the Phase 3 bus service, the provision of 2 pairs of new bus stops with full complement infrastructure would be required on the link road between the B6532 and A167. Full details of the bus stop and associated infrastructure specification must be agreed with the Integrated Passenger Transport and Public Transport Infrastructure Team.
218. The location of the Sniperley allocation puts it in the ideal location to maximise the use of sustainable modes of travel. The proximity to Durham City Centre, and neighbouring residential areas such as Pity Me, Sacriston and Witton Gilbert, mean that with improvements to infrastructure for walking and cycling, and alternative modes of transport to the private car, it would be a viable and attractive proposition for residents. This was an important consideration in the decision to promote the wider allocation for residential development. The Council's Healthy Active Travel Connectivity Plan for the Sniperley development site seeks to promote the use of these methods of transport and healthy lifestyles while addressing key issues linked to specific issues affecting County Durham and the northwest area of the city. In addition, in 2019 Durham County Council declared a climate emergency and pledged to: reduce carbon emissions from Durham County Council's operations by 80% from 2008/09 levels by 2030, making significant progress towards making Durham County Council and County Durham as a whole carbon neutral; and to investigate what further actions are necessary to make County Durham Carbon Neutral by 2050 and pledge to achieve this.

219. Therefore, as well as the obvious health benefits, and benefits of linking Sniperley into existing communities, making provision to maximise the use of more sustainable modes of Transport, especially in relation to walking and cycling, would bring additional benefits of aiding towards making Durham carbon neutral.
220. The Connectivity Plan identifies several active travel routes from the Sniperley development site to key destinations, such as shops, schools and green space. The Connectivity Plan illustrates the significant opportunities for active travel within and surrounding the Sniperley development site. A full list of sustainable infrastructure improvements and costings is identified within the plan. Works would be secured by S278 agreement and/or condition/S106 agreement. Some funding for implementation of these measures has already been secured through external funding sources, with the developer to fund the remaining schemes. The provision of footways connecting residential units to local amenities is essential for the facilitation of pedestrian movements. The five key principles for the design of pedestrian infrastructure are coherent, direct, safe, attractive and comfortable.
221. New and improved cycle infrastructure would improve connectivity for cyclists within the site and to surrounding key destinations. This would also accommodate a forecasted growth in cyclists by addressing gaps in the existing network. Traffic calming would deliver an increase in cycle trips on residential streets, connecting to local amenities, where cyclists would be safely integrated with motor traffic. New or upgraded crossings facilities would improve connectivity and safety for both pedestrians and cyclists. New provision of crossings would provide increased directness between origins and destinations. Installation of secure cycle parking facilities would deliver cycle parking at strategic locations throughout the development to encourage active travel.
222. During the course of the application to date, some of the proposed mitigations contained within the Healthy Active Travel Connectivity Plan have been challenged by the developer as to whether they are necessary to make the development acceptable in planning terms. It is, however, the view of the Council's Sustainable Travel Team that the provision of all the mitigations contained in the plan would be necessary to maximise the potential for travel by sustainable from residents of the site, and that these should be secured through the planning permission and provided by the developers. It is considered by Officers that the holistic programme of measures set out with in the Healthy Active Travel Connectivity Plan would be needed to meet the requirements of the CDP, WGPN and the NPPF in order to achieve sustainable, inclusive development. These are not proposed to in their entirety and as a result the proposals are contrary to Policies 5, 21, 22, 26 and 29 of the CDP and Parts 8, 9, 12 and 14 of the NPPF.

Amenity and Pollution

223. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. CDP Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. 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.
224. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two

storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site indicative layout is of a large scale owing to the scale of the site and ultimately it will be for a reserved matters phase of any proposals to assess the detail of any proposals in this regard. There are very few properties in the vicinity of Sniperley Park, particularly east of the B6532 with those near the site either north of Potterhouse Lane or east of the A167 and so would be unlikely to experience amenity impacts from overlooking from the proposed developments. Proximity of the proposed development to Sniperley Hall is much closer and new properties would be as close as 25 metres from the northern elevation of "Sniperley Hall Cottage", the eastern most property within the complex at the Hall. Owing to the position of that dwelling adjacent to the site boundary, the property would face onto proposed public open space and front elevations of proposed properties opposite. The proposals would not be considered to produce impacts upon the residential amenity of existing dwellings in contravention of the Residential Amenity SPD and Policy 31 of the CDP.

225. There is potential for impacts from the wider surrounding area upon the new residents of the proposed development. This aspect, as well as other areas of potential impacts upon both existing and future occupiers of the site and its surroundings have been assessed by the Council's Environmental Health and Consumer Protection Team. Submitted documentation in regard to noise are considered to use acceptable methodologies in their assessments of the proposals. Officers consider that the overall impacts upon existing residential occupiers following the completion of the development would not be considered significant. The operation and expansion of the Park and Ride site to the South of the Sniperley Park allocation would have potential moderate impacts upon future occupiers, and mitigation in the form of glazing and ventilation specifications as well as an acoustic barrier is considered acceptable by Officers. Securing this detail and the wider strategy to overall site would be required by planning condition.
226. There is the potential for disturbance during the construction period, therefore, it would be necessary to ensure that all phases of the proposed development are subject to a requirement of construction management plan to deal with construction related impacts. Subject to the imposition of such conditions and the controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the conditions would be imposed to mitigate any significant adverse impacts.
227. Air quality is a fundamental issue which is increasingly causing residents close to new developments concerns. In addition to CDP Policy 31, the NPPF under Paragraph 180 provides protection against new developments causing impacts of pollution upon health and living conditions whilst Paragraph 186 advises more specifically in regard to air quality including those 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 wider area both local to the site and the impacts within the city in the Air Quality Management Area (AQMA). At the operational phase of the development, the submitted assessment notes that the predicted concentrations of NO_x in predicted future years is above threshold and would present a 'moderate adverse' impact within the AQMA at Leazes Road (R7). No assumptions have been made with regard to the reduction in internal combustion engine vehicles and likely impacts upon NO_x emissions by the applicant. Therefore, the impacts within the AQMA will be required to be mitigated in accordance with the requirements of Policy 31 of the CDP.
228. The ES submissions include mitigation measures for the operational phase that would comprise of a travel plan and cycling and pedestrian pathways to encourage sustainable transport modes, green infrastructure to absorb pollution and increase deposition rates

and provision of EV charging points with 10% of all car parking spaces proposed. While this would be considered to mitigate the proposed development to a degree, it is not in keeping with the Council's Masterplan and the Healthy Active Travel Connectivity Plan for Sniperley Park, which among other areas looks to provide EV parking to all buildings and dwellings.

229. In terms of the construction phase, Environment, Health and Consumer Protection Officers query the lack of any detail for mitigation of impacts associated with demolition of buildings across the allocation. This is added to the significant potential for dust as a result of the proposed development which will require mitigation, as outlined by the submitted ES. Proposed mitigation measures are outlined, and these will need to be secured by way of condition to ensure the development is constructed with minimal impacts on those residents nearby.
230. The development is likely to lead to impacts upon air quality, noise, dust and vibration if not controlled by appropriate means or appropriate mitigation is secured. The level of this mitigation and whether it would be capable of mitigating the impacts of the development is unclear at this stage. Furthermore, the mitigation strategy proposed to date would not be considered to meet the requirements of the Council's Masterplan and Connectivity Plans. The proposals would therefore result in conflict with CDP Policies 29 and 31 as well as Parts 12 and 15 of the NPPF without the necessary level of detail required to mitigate the impacts of the proposed development.

Ecology

231. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. WGNP Policy 7 builds further upon these requirements requiring the integration of biodiversity into new development, off-setting losses where necessary. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
232. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

233. An Ecological Appraisal has been submitted in support of the proposal and is considered sufficient by the Council's Ecologist to inform this application and no further surveys are required.
234. The supplied ecological information confirms that bat roosts (common pipistrelle and brown long-eared bats) are present old farm buildings that to be lost as part of this development, requiring a bat mitigation licence from Natural England before demolition. Mitigation is proposed in the form of bat boxes installed on retained trees and proposed new buildings in the vicinity. To ensure the successful application for a bat mitigation licence application to Natural England, full details of the type and location of proposed roost units should be supplied ahead of determination of the planning application. A barn owl has been recorded using the derelict farm buildings and a survey must be taken to ensure it is not breeding before any works proceed within 100 metres of the building. Barn owl nest box provision is to be provided on the trees on the site and further details are to be provided in the Biodiversity Enhancement Management Plan. This is required pre-determination of the planning application to ensure successful mitigation of the development upon the protected species.
235. The application is required to achieve net biodiversity gain across the site, and the application is accompanied by a report detailing that when the above is implemented the development would achieve a net gain of 11.09% for area habitats and 31.82% for hedgerow habitats. This is deemed acceptable by the Council's Ecologist and as a result, the application complies with CDP Policies 26, 35, 41 and 43 in this regard, WGNP Policy 7 and Part 15 of the NPPF. However, for the Council to be fully satisfied that the proposed mitigation is likely to achieve biodiversity net gain, details of how the above habitat creation, other ecological enhancement and their management would be delivered is needed in advance of making any decision. No further detail has been provided at the time of drafting of this report.
236. CDP Policy 5 (h) requires off-site compensatory improvements to maintain and enhance the environmental quality and accessibility to the remaining Green Belt. On land north and south of the A691, the planting of new hedgerows, woodland, parkland trees and hedgerow trees, habitat creation to buffer existing features and new public rights of way linking to the wider Browney Valley should be provided south of the A691. Further improvements are required by the policy to the north of Potterhouse Lane, however these fall outside of the scope of this application and as such cannot be mitigated by this development. The off-site compensatory improvements proposed as part of this application are considered to form part of the off-setting of the proposed development's impacts in regard to this section of the allocation, but fall short of a comprehensive approach to the compensatory improvements to the Green Belt required by CDP Policy 5(h).

Drainage and Flood Risk

237. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.

238. Policy 5 (d) requires a full site wide surface and foul water drainage management plan incorporating SuDS and that the strategy should not lead to any further water draining in to the Blackdene Burn and where possible wider opportunities for improvement of local water quality should be explored.
239. The application is accompanied by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy which highlights that the application site lies entirely within Flood Zone 1 with a low flood risk probability. Therefore, the site is at the lowest risk from fluvial flooding. Some areas of the site contain areas of higher risk from surface water flooding; however, the indicative site layout has addressed these areas by populating them with public open space and likely SuDs features as well as Folly Plantation and its watercourse. Further assessment of flood risk to the site is not required.
240. A Drainage Strategy is included within the ES which includes the incorporation of Sustainable Urban Drainage (SuDs) techniques in line with 'Ciria 753' guidance. These include the full collection of options for disposal of surface water such as porous paving, filter strips and a series of swales and infiltration/detention basins to treat and attenuate surface water runoff. Subject to securing the finer detail of this approach for implementation at the reserved matters stage, Drainage and Coastal Protection officers offer no objections in principle to this approach to the areas detailed in outline.
241. Where detail is proposed to the area adjacent to Sniperley Hall (Bellway), the scheme contains many features required under the Council's SuDs Adoption Guidance (2019), however the scheme as a whole does not show adequate levels of landscaping, ecology and SuDS to required levels. The scheme is also lacking with regard to site control features and should be amended to reflect the guidance and policy requirements.
242. Northumbrian Water have offered no objections on the proposed application following detailed assessment of the phasing of the proposed development against infrastructure improvements affected by the proposals. The wider foul water drainage strategy should be subject to detailed consideration by condition and at any reserved matters stage, satisfying the requirements of Policy 36 of the CDP in this regard.
243. The Environment Agency has received updated information with regard to the water quality impacts of the surface and foul water drainage strategies from the site. This has ensured that impacts upon water quality of the receiving water courses would not be detrimentally impacted by the proposals, and subject to a conditional approach to infiltration systems to the ground water, the proposals would comply with CDP Policy 35.
244. Collectively, however, none of the proposed submission shows any evidence of being comprehensively planned together with the remainder of the housing allocation to deliver a connected, single scheme of surface and foul water drainage. The implications go beyond the ability of each scheme to secure sustainable drainage of water generated on and by the site, forming the underpinnings of site design, layout and landscaping. How that drainage takes place at the interface of the site remains unknown. Where detail is provided to the western part of the allocation, this does not fully comply with the requirements of the CDP and supporting documentation to deliver a suitable scheme of surface water drainage. The proposals at this stage therefore being considered contrary to CDP Policies 35 and 36, and Part 14 of the NPPF.

245. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
246. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). Policy 5 of the CDP makes several references to creation and utilisation of open space across the Sniperley Park allocation, specifically parts (c), (d), (e), (g), (h) and (j).
247. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought. Given the scales of the development, it would generally be expected that all typologies would be provided for on-site.
248. Through the provision of a linear park, the large application proposes 21Ha of the park, with the smaller application proposed 4.85ha, in combination in excess of the CDP Policy 5 requirement. Within that park there is the provision of many of the required typologies of the ONSA as well as to the other areas of the development; however, it is noted that neither proposal makes provision for allotments. The proposals therefore do not meet the requirements of Policy 26 of the CDP. The Council's masterplan includes provision for this typology within the allocation and further indicates the departure from CDP Policy 5 by the submitted planning applications.
249. These proposals do not result in the loss of, or offer any replacement of, sports pitches as part of their submission; however, the development will generate demand for new playing pitches. Inline with Sport England standard policy in this regard, a contribution of £473,396 should be sought to provide new sport pitches and facilities to meet the increased demand that is not provided on site in the submitted plans. This would ensure that the proposed development would meet the requirements of Policy 26 of the CDP.

250. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. 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. CDP Policy 5 (b) further supports this requirement and requires the provision of a primary school within the Sniperley Park allocation. This is based upon the evidence base within the CDP which was found to be sound by a Planning Inspector.
251. The School Organisation Manager has advised that owing to the scale of both proposals, a not insignificant number of school pupils at both primary and secondary school ages would be generated causing demand for school places in the Framwellgate Moor Pupil Place area. Assessment of future pupil rolls and school capacities across all ages indicates that there is insufficient capacity to accommodate all pupils in existing schools, supporting the view of the Planning Inspector at the Examination of the CDP.
252. The Manager has also confirmed that the provision of the proposed primary school is will likely be required during the course of the development build out and that delivery of the facility will be crucial. The applicant however has raised concern with regard to the methodology that the Council employs in securing contributions to off-set the impacts upon school infrastructure from new development. The Council's Securing Developer Contributions towards Education Provision in County Durham (2015) has been produced in line with EFA guidance and formally adopted by the Council, whereby each dwelling is considered to on average result in 0.3 primary school pupils and 0.12 secondary school pupils. The Council are of the view that the methodology proposed and consequential pupil yield are robust and the level of school places at both primary and secondary level requested are suitably evidenced.
253. In terms of the breakdown between the two planning applications spanning the Sniperley Park allocation, the smaller scheme proposes a contribution of £2,528,771.85 of the total cost of the new school based upon the proportion of housing from that application. The remaining amount of the proposed total (£12,986,155) at the time of writing would be required from the larger application. To date, discussions between all parties with regard to the provision of the proposed Primary School on site have been on-going with regard to pupil numbers, the size of the school and the cost of its delivery without agreement.
254. With regards to the secondary school provision, this would be secured via additions to off-site facilities in the Pupil Place area. A total of £7,935,475 is required across both planning applications to off-set increased demand for secondary school places as a result of the proposals, which would be split pro-rata across the two planning applications.
255. While a breakdown of costings across both planning applications is possible via a planning obligation, it does not resolve the key concern that the smaller of the two planning applications does not comply with the requirements of the CDP Policy 5 (b) in requiring a third party (outside of the Council) to be able to meet Planning Policy. Equally, the issues around master planning raised earlier in this report and the applicant's challenge of the Council's methodology towards education provision, bring doubt to the required primary school on site and improvements to secondary schools in the locality. As a result, the delivery of the proposals could be impacted and an unacceptable squeeze upon school places a realistic prospect should development take place in isolation. This again counters the master planned approach required by Policy

5 of the CDP and the requirements of CDP Policy 25 in developments mitigating their impacts.

Healthcare

256. Policy 5 (a) includes a requirement for the local centre of the Sniperley Park allocation to provide a building suitable to be used as a health centre. In terms of the healthcare impacts of the development, the 1920 dwellings across the two housing applications would result in up to 4416 additional patients. The NHS, through their North East North Cumbria Integrated Care Board (NENC ICB), have advised that the two nearest GP practices are already significantly undersized relative to their patient list size and can't be extended in such a way as to be able to accommodate the significant increase in patient numbers that they would face. Accordingly, the NENC ICB have significant reservations regarding the impact of the additional patients from the development on primary care medical services. As such, the impacts of the development in terms of GP provision, and in the absence of any commitment to delivery on the part of the developer, is such that the development is not mitigating its impacts.
257. As part of the ongoing discussions with the developer of the adjacent planning application the Council has sought to secure the delivery of the required health centre in the form of a new GP practice that would facilitate the relocation of an existing GP practice to the site, given they are already undersized and can't be extended, and that was of sufficient size to cater for existing patients and mitigate the impact of the additional patients arising from the overall development. This position is supported by the NENC ICB. The developers have not agreed to this approach. Accordingly, the these proposals are unable to rely upon the third party delivery of a health centre and so are considered contrary to CDP Policy 5 with regard to the failure to deliver a health centre and, in turn, in the absence of any agreed mitigation for the healthcare impacts of the development.

Agricultural land classification

258. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 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. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.
259. Consideration of the implications of best and most versatile land were assessed at Examination of the CDP and the granting of the allocation of Sniperley Park in the Plan. As a result, no conflict with Policy 14 of the CDP is found.

Other matters

260. The Sniperley Park allocation lies within two Mineral Safeguarding Areas: a coal resource area and a glacial sand and gravel area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the Policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource.

261. The submitted Minerals Assessment considers that the extraction of the sand and gravel would be economically unviable due to resources being too thin having regard to borehole data whilst the coal extraction would be too constrained by the existing power lines and the existing sensitive receptors to be a feasible option at the site. The Minerals Assessment also presents the case that the need for the development proposed outweighs the need to safeguard the mineral. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
262. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environment, Health and Consumer Protection Officers are satisfied with the submitted risk assessment and recommendations, suggesting a conditional approach to further Phase 2 and Phase 3 works for each phase of development going forward.

Public Sector Equality Duty

263. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

264. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).
265. Where a planning application conflicts with an up-to-date development plan, paragraph 12 of the NPPF advises that permission should not usually be granted, however, Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
266. The Sniperley Park housing allocation is the largest and most prestigious of the sites proposed by the CDP for new housing development. As a sustainable urban extension to the City of Durham, the location of the site is considered to be well suited to delivering sustainable urban design and active connectivity to integrate development with the nearby settlements. Policy 5 of the CDP draws this all together in a list of requirements to enable the translation of this vision into development, enabling delivery upon the sustainability credentials of the allocation which were required by an Inspector at Examination of the CDP. The policy clearly indicates that in principle residential and ancillary development is acceptable, but this is predicated on any proposal being able to comply with the requirements set out within Policy 5 as a whole.

267. To that end, the Council have adopted its masterplan vision for the Sniperley Park site and a Healthy Active Travel Connectivity Plan to demonstrate how this can be achieved across the whole site.
268. This submission in combination with two other planning applications fractures the comprehensive approach required by Policy 5 of the CDP, whereby individual applications do not have the ability to meet the requirements of the policy. CDP Policy 5 requires a suite of measures consistent with delivering sustainable design to new development at Sniperley Park. These submissions, present a series of issues which result in their inability to deliver the requirements of the CDP.
269. As a consequence, the proposal is contrary to Policy 5. Failing to put forward the allocation as a whole has resulted in a development which does not comply with the Council's masterplan and Healthy Active Travel Connectivity Plan. The proposed development proposes 12% more dwellings than the CDP allocation outlines. The knock-on effect of this increase is to place pressure upon the delivery of the requirements of the CDP with regard to the character of the new development, the interrelationships between existing and proposed development, the ability to create a fully functional linear park connection across the entire site, the integration of blue infrastructure across the development, and give full and easy access to alternative modes of transport. All combining to present a scheme which is not considered to represent exemplar design nor a sustainable urban extension to the city as required by CDP Policy 5.
270. These detailed proposals present a number of design, layout and landscaping issues through fundamental problems with the proposed site layout that have culminated in failure to pass the Council's Design Review Panel and assessment against the Building for Life SPD. A submitted design code is lacking sufficient high quality design and distinct or otherwise locally inspired character areas. The development has failed to produce an adequately high quality design to reflect a high overall density across the development. The proposals are contrary to Policies 5, 26, and 29 of the CDP.
271. The cornerstone of the proposed sustainable urban extension is the provision and delivery of a local centre which ensures vitality and viability of the Sniperley Park allocation. Delivery of town centre uses a new primary school and health centre are all required by the CDP; however, their completion on site is not clear to the Council and whether the fracture nature of the submitted applications would be fully capable of delivering the required facilities.
272. Relevant types of public open space are not fully catered for by the proposals with a no allotments proposed by any scheme, contrary to CDP Policy 26. Provision of replacement sports playing pitch provision remains unclear resulting in concerns over delivery, contrary to Policies 5, 26 and 29 of the CDP.
273. Further impacts upon heritage assets, where less than substantial harm is likely, with limited public benefit beyond the delivery of new housing is further exacerbated by the fragmented approach to securing planning permission. Wider off-site highways works are proposed to mitigate the proposed development; however, not all the requirements of the Council's masterplan have been met.
274. While amenity of future occupiers is generally catered for, the impact of new development more widely to existing residents remain unclear and should be clarified ahead of a decision. Equally, ecological benefits of the schemes are outlined in the form of on-site and off-site improvements, however the relevant level of detail remains

unclear about the delivery of required mitigation leaving the Council unsure of the ability of the scheme to meet its Policy requirements.

275. Wider off-site highways works are proposed to mitigate the proposed development; however, severe reservations over the ability of the developments to bring access to suitable levels of public transport services have not been resolved, exposing conflict with Policies 5, 22 and 29 of the CDP.
276. Equally, ecological benefits of the schemes are outlined in the form of on-site and off-site improvements. However, again the relevant level of detail remains unclear as does the delivery of required mitigation leaving the Council unsure of the ability of the scheme to meet its Policy requirements (CDP Policies 5, 26 and 41).
277. At this stage, it is therefore considered that the proposed development cannot be supported as it does not fully comply with the requirements of the County Durham Plan, the Council's masterplan, Healthy Active Travel Connectivity Plan, the Witton Gilbert Neighbourhood Plan and the NPPF.

RECOMMENDATION

This application be **MINDED TO REFUSE** for the following reasons: -

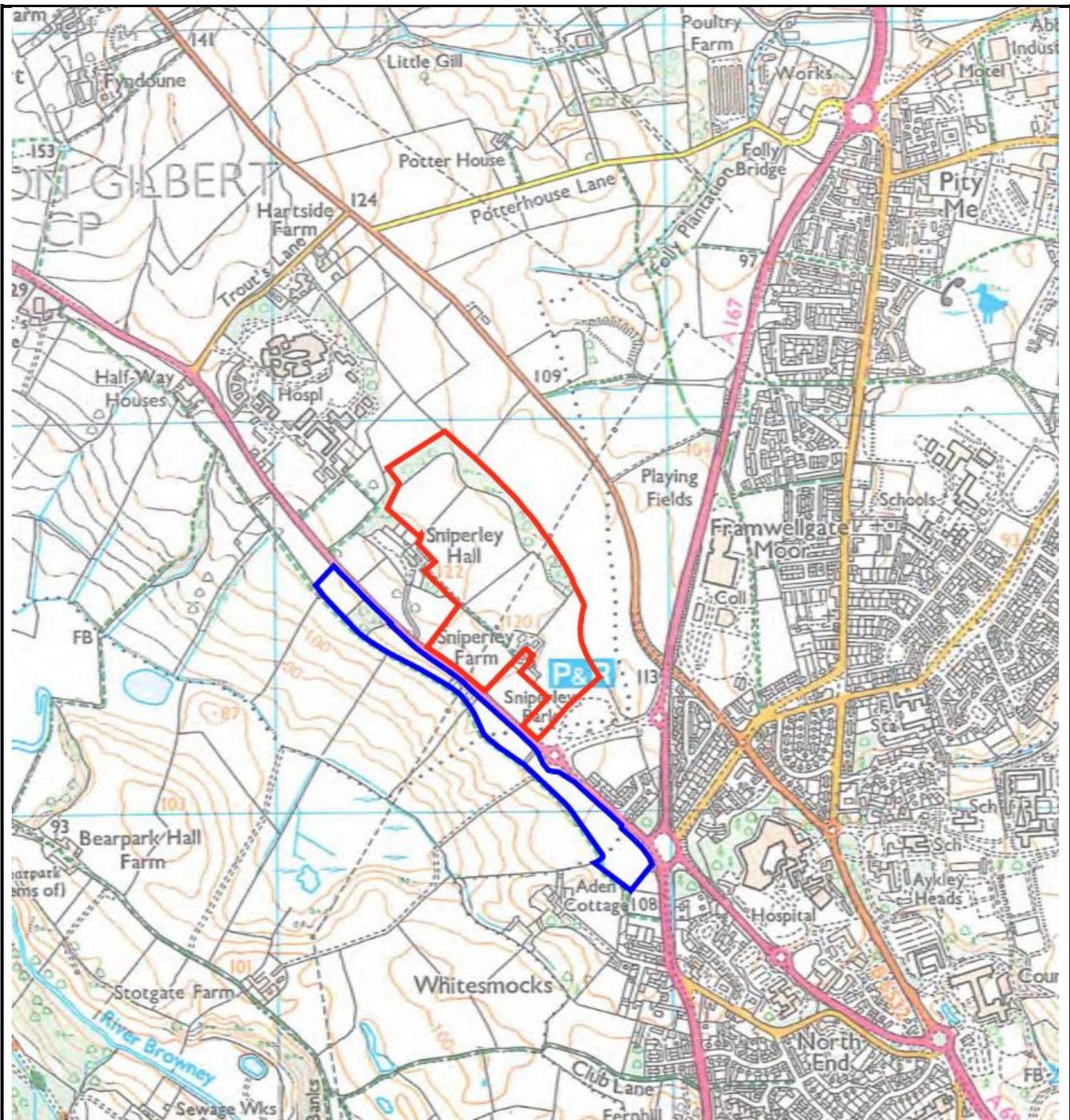
1. The site has failed to propose a comprehensive masterplan of the allocation and demonstrate how the phasing of development on these sites will have regard to the provision and timing of the infrastructure and services necessary to support them as required by Policy 5 of the County Durham Plan resulting in a fragmented approach to delivery that does not take into account the Council's adopted Masterplan and Healthy Active Travel Connectivity Plan.
2. The proposals are considered to not represent high quality design, lacking sufficiently varied character areas, poor wayfinding and not fully working with the site context, contrary to Policies 5, 26 and 29 of the County Durham Plan, the Building for Life Supplementary Planning Document, Policies 2 and 6 of the Witton Gilbert Neighbourhood Plan and Part 12 of the National Planning Policy Framework.
3. Connections to the Sniperley Park and Ride site do not provide attractive and safe links to the proposed new housing and the wider allocation contrary to Policies 5 (k), 26 and 29 of the County Durham Plan and Parts 8, 9 and 12 of the National Planning Policy Framework.
4. The proposed development does not deliver adequate sustainable transport options to future residents. The development fails to demonstrate that there is sufficient public transport penetration into the site or that the requirements of Healthy Active Travel are to be fully delivered on and around the Sniperley Park allocation. The proposals are therefore contrary to Policies 5, 21, 22, 26 and 29 of the County Durham Plan and Parts 8, 9, 12 and 14 of the National Planning Policy Framework.
5. Failure to demonstrate the provision of an effective local centre that acts as a focus for community activity allowing for the establishment of a viable and vibrant community with town centre and health care uses contrary to Policy 5 (a) of the County Durham Plan and Part 2 of the National Planning Policy Framework.
6. Failure to demonstrate the timely provision of a suitably sized primary school within the Sniperley Park allocation and to off-set pupil demand upon secondary school

places in the locality contrary to Policies 5 (b) and 25 of the County Durham Plan and Part 4 of the National Planning Policy Framework.

7. Failure to demonstrate a fully functional surface water drainage scheme across the site which utilises all elements of the surface water hierarchy to achieve sustainable drainage from the site with necessary water quality improvements contrary to Policies 5 (d) and 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
8. The creation of the linear park across the Sniperley Park allocation does not integrate all parts of the site with new on-site and existing off-site facilities to a high-quality design contrary Policies 5 (a), (g), 26 and 29 of the County Durham Plan, Policies 2 and 6 of the Witton Gilbert Neighbourhood Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.
9. Insufficient information has been provided to ensure the full delivery of both on-site and off-site habitat creation and management to secure both biodiversity net gain and green belt compensatory improvements contrary to Policy 5 (h) and 41 of the County Durham Plan, Policy 7 of the Witton Gilbert Neighbourhood Plan and Part 15 of the National Planning Policy Framework.
10. Failure to demonstrate fully the ability to feasibly and viable provide a district heating system across the development and the wider area contrary to Policy 5 (i) of the County Durham Plan and Part 14 of the National Planning Policy Framework.
11. Failure to demonstrate fully the ability of the proposals to provide sufficient quantum and quality of playing pitch space with necessary ancillary provisions contrary to Policies 5 (b) and 26 of the County Durham Plan and Parts 8, 11 and 12 of the National Planning Policy Framework.
12. Failure to deliver all required open space typologies on-site as required by the Policy 26 of the County Durham Plan and Parts 8, 11 and 12 of the National Planning Policy Framework.
13. Insufficient information has been provided to ensure mitigation of impacts from dust and vibration at the construction phase of development and to mitigate against air quality at the operational phase of the developments contrary to Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan (2020)
- Durham County Council Sniperley Park Masterplan (2022)
- Durham County Council Sniperley Healthy Active Travel Connectivity Plan by WSP (2022)
- Residential Amenity SPD (2019)
- Building for Life SPD (2019)
- Statutory, internal and public consultation response



Planning Services

DM/21/02360/FPA

Hybrid planning application consisting of outline planning permission (all matters reserved) for an extension to the Sniperley Park and Ride and full planning permission for the development of 370 dwellings associated access and works and demolition of former farm buildings.

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Comments

Date 6th September 2022

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/02849/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (revised description)
NAME OF APPLICANT:	Taylor Wimpey
ADDRESS:	Land to the west of Valley Road, Pelton Fell, DH2 2NN
ELECTORAL DIVISION:	Chester-le-Street West Central
CASE OFFICER:	Louisa Ollivere, Senior Planning Officer 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a largely rectangular shaped parcel of land located to the western edge of Pelton Fell to the north of the County. The site extends to approximately 5.64 hectares (ha) in area and comprises agricultural fields. The site is bound by a residential development site currently under construction to the north(DM/18/00879/FPA), a recently completed residential development to the east (DM/19/01108/FPA) and agricultural land to the south and west.
2. The site is not subject to any designations within the Local Plan. It is located approximately 651m to the north of Waldrige Fell Site of Special Scientific Interest (SSSI) and 120m from the Congburn Local Nature and Local Wildlife Site. Chester-le-Street Conservation area lies 1.6km to the east of the site. There are no listed buildings within 1 km of the site. Public Right of Way Path Number 11 lies to the south east of the site.

The Proposal

3. Planning permission was originally sought for outline permission for up to 150 dwellings on this site with all matters reserved except for access, with the built form extending further to the south. Following consideration at Design Review where the development scored poorly in all areas, and in response to main concern over walking distances to services the applicants submitted revised plans earlier this year. The planning application now seeks outline permission for the erection of 80 dwellings on the site and has reduced the southern development limit. An Indicative Masterplan has been submitted which now indicates that SuDs features will be located to the west of the site within a large area of landscaped open space. An area of landscaped open space is also indicated to the southern boundary of the site.

4. The development will be accessed from Bluehouse Bank via the existing access associated with residential development currently under construction to the north (DM/18/00879/FPA). Links will also be created to the existing pedestrian access points north of the site. A footpath link is also proposed to connect with the Public Right of Way Number 11 to the south east.
5. The mix of dwellings will be determined by subsequent Reserved Matters applications, however 15% of the dwellings will be secured as Affordable Housing.
6. Off-site scrub and tree planting is proposed to the south of the site on land within the applicant's ownership.
7. 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.

PLANNING HISTORY

8. There is no relevant planning history to the site.
9. The proposal forms a second phase following a previously approved residential development located to the north of the site which is currently under construction:
10. DM/18/00379/FPA – Residential development of 165 dwellings with associated infrastructure and landscaping at Land to the West of Valley Road, Pelton Fell, DH2 2NN.

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
12. In accordance with Paragraph 219 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.
13. *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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.

23. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

24. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

25. *Policy 6 – Development on unallocated sites* – States that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided it: a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land; b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development; c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for; d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement; e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity; f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement; g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding; i. where relevant, makes as much use as possible of previously developed (brownfield) land; and j. where appropriate, it reflects priorities for urban regeneration.
26. *Policy 10 – Development in the Countryside* – States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions: specific types of economic development, specific types of infrastructure development or some specific

development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.

27. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
28. *Policy 15 - Addressing Housing Need*. Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
29. *Policy 19 - Type and Mix of Housing*. Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
30. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
31. *Policy 25 - Developer Contributions*. Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. *Policy 26 – Green Infrastructure*. States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
33. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure*. States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
34. *Policy 29 – Sustainable Design*. Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources;

providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

35. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration, and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
36. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
40. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
41. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or

compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

42. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
43. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
44. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

45. There is no Neighbourhood Plan for this area.

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/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

46. *Northumbrian Water* – Advises that development should be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
47. *National Highways* – No objections.
48. *Highway Authority* - Offers no objections subject to conditions securing town centre signalisation upgrades, traffic calming features and bus stop improvements associated with Phase 1 prior to occupation.
49. *Drainage and Coastal Protection* – Advise that the proposal meets the Council's standards for an Outline Application in relation to a commitment to provide a sustainable solution to surface water management. It is advised that the detailed design should follow the proposals as set out in the Flood Risk Assessment and Drainage Strategy – Issued 15th March 2022 and the detailed design should consider the overland flow routes from the west of the site to mitigate flooding to the new development as well as preventing flooding to adjacent land and property.

50. *The Environment Agency* – no comments received to date.

INTERNAL CONSULTEE RESPONSES:

51. *Archaeology* – Advise that the applicant has submitted the results of a trial trench evaluation which concurs with most of what the archaeological report concludes - that mitigation is needed in some areas, and that in other areas no further work is needed. However, it suggests further mitigation in relation to remains in Trenches 2 and 9 which can be secured by conditions, with the exact details of the areas to be covered worked out as part of the Written Scheme of Investigation.
52. *Design and Conservation* – Conclude that the proposal has been amended to reflect the comments raised through the Council's internal Design Review process. No objection is raised with regard to conservation.
53. *Environmental Health (Air Quality)* - Given the revocation of the AQMA it is advised that the inclusion of additional developments as cumulative traffic flows (affecting both future baseline and future operational conditions) is less of an issue and no further action is considered necessary.
54. *Environmental Health (Contaminated Land)* – No objections are raised; it is however advised that a conditional approach is secured to ensure remediation is undertaken.
55. *Environmental Health (Pollution Control)* –No objections. However, in consideration of the potential for noise generation during both the construction and operational phases, appropriate conditions are recommended including requiring an updated construction management plan.
56. *Housing Delivery* – Are satisfied with the affordable housing statement but requests the developer enters into further discussions regarding mix and product for home ownership.
57. *Ecology* – Advise that the Biodiversity Net Gain Assessment is sound and ensures delivery as part of the development. It is advised that any future reserved matters application will need to be supported by an updated Metric and Biodiversity Management Plan that links to the landscaping, delivery over a minimum of 30 years secured via an appropriate legal agreement.
58. *Landscape* – Advise that the inclusion of the landscape buffer to the south with dwellings fronting onto it would help to provide accessible open space around the entire perimeter of the development and would strengthen the new settlement edge. It is advised that it would be preferable to include at an appropriate stage landscape details for large size native trees which could filter the facades of the proposed housing in views towards the settlement and retain and frame views out to the south from the site towards the Area of Higher Landscape Value. The Officer considers that this would be preferable to the creation of a solid buffer given the benefit of usable open space provision and the potential of views out over attractive countryside. The tree lined primary route into the site is welcomed however it is advised that there is scope for additional lines of trees along streets where trees are not currently shown such as within the northern area of the site.
59. *Trees Officer* – Offers no objection and advises that the arboricultural report complies with current standards and shows that trees will not be lost providing correct protective measures are in place.

60. *Public Rights of Way* – Offers no objection following confirmation that the link with public footpath no. 11 is to be permissive.
61. *School Places Manager* – Advises that 80 houses could produce 10 additional secondary pupils and requests a contribution of £165,540.
62. *Spatial Policy* – Note that the proposal site is located on the edge of the built-up area of Pelton Fell. It is advised that Policy 6 sets down several key criteria for considering whether a proposal can be supported in principle terms. While the Officer advises a number of concerns are highlighted in the SHLAA assessment, it is noted that the revised proposal reduces the development area and number of dwellings, which has the potential to mitigate those concerns, however the Officer notes that specialist comments will help determine how well the revised scheme performs in relation to Policy 6. In respect of open space contributions, it is advised that this would amount to £118,448 providing the amenity and children’s play space are provided on site.
63. *Sustainable Travel Officer*– raised concerns over the original application distance to public transport and requested plans in respect of connectivity and recommended a Travel Plan condition.
64. *Travel Plans Officer* – Requested more tangible measures to encourage bus travel such as a Public Transport Teaser.
65. *Sustainable Development and Energy Officer* – No comments to date.

EXTERNAL CONSULTEE RESPONSES:

66. *NHS* – Requests a contribution of £38,640 to increase GP capacity.
67. *Police Architectural Liaison Officer* – Outlines a series of recommendations from a Secured by Design perspective.

PUBLIC RESPONSES:

68. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. One letter of objection has been received in relation to the proposed development which is summarised below:
 - Developer’s consultation process limited opportunity to comment fully.
 - Concerns regarding the current poor state of the B6313 roadway which the access joins.
 - Concerns regarding additional traffic generation of approximately 300 more vehicles leading to traffic congestion in the town centre and impacting air quality.
 - Traffic survey work was undertaken during covid lockdown so not accurate representation of impacts.
 - Pedestrian walkways from Pelton Fell to Chester-le-Street are poor and should be improved.
 - Increased pressures on GP surgery capacity.

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/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=QXNWR7GDHOR00>

APPLICANTS STATEMENT:

69. Taylor Wimpey is a 'five star' builder and committed to delivering family homes in Durham. Taylor Wimpey is the owner of the site and with their directly employed workforce supported by local subcontractors, want to invest in the community. Taylor Wimpey is committed to delivering additional much needed family homes in Pelton Fell.
70. This application proposes the development of up to 80no. new homes in Pelton Fell. Taylor Wimpey have been proactively working with Officers at Durham County Council; through extensive discussions over a number of years, the scheme has evolved responding comprehensively to comments raised on topics including landscape, design, ecology, and drainage. As a result, the scheme before the Committee has changed significantly since initial conception, with the proposed number of units falling from 150 to just 80, vastly reducing the proposed area of development.
71. Taylor Wimpey also recognises the importance of consultation with the local community and has engaged with them from the early stages of the development process. This included pre-application consultation with the community where leaflets were delivered to all properties within the vicinity of the site, extending to approximately 550 homes and businesses. Recipients of the leaflets were provided with information on the proposals and a link to an online consultation website which provided greater detail and a questionnaire for feedback to be provided on the proposals. Feedback from the community was reviewed and shaped the final design response and it is notable that only one letter of objection has been received.
72. The scheme brings with it the opportunity to deliver significant benefits including:
- Up to 80 new homes of a range of sizes and designs, including at least 12 (15%) affordable homes;
 - Significant amounts of open space, planting and landscaping around the site, including a landscaped area along the southern boundary which will bring a range of landscape, environmental and ecological benefits;
 - A new connection to the Public Right of Way network which will improve connectivity for both new and existing residents;
 - Significant economic benefits including capital investment into the area;
 - construction and supply chain jobs; additional expenditure in the local area; increased Council Tax receipts; and New Homes Bonus payments from the Government to the Council.
73. Overall, the proposals constitute a high-quality residential development within a sustainable location, providing a logical extension to Pelton Fell and the continuation of a successful first phase. In the context of national and local planning policy, we respectfully request that the Council grants outline planning permission for the proposed development.

PLANNING CONSIDERATIONS AND ASSESSMENT

74. 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 development, locational sustainability, highways matters, landscape and visual impact, layout and design, archaeology, residential amenity, ecology, flooding and drainage, infrastructure and open space provision, addressing housing needs, contamination and land stability, developer contributions, other considerations and public sector equality duty.

The Principle of the Development

The Development Plan

75. 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 County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
76. 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.
77. The application site is located on the western edge of the settlement of Pelton Fell. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.
78. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage

value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

79. As the adjacent site to the north is currently under construction for residential development, the site is now accepted to be connected to the built up-area. The reduced site area also means that distances to bus stops and services are better for residents, with all properties being within 600 metres of a bus stop. An off-site landscape buffer is also proposed to provide the necessary mitigation to the Area of Higher Landscape Value and the Local Wildlife Site. The smaller site area also minimises incursion into the countryside and the development now relates well with the scale and form of the existing settlement. It is considered that the amended development would not be in conflict with Policy 6 and is therefore suitable for residential development and the full reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of this and other relevant policy in subsequent sections of this report.

80. As the application site lies just outside of the built-up area of Pelton Fell it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 and is thereby not in conflict with Policy 10.

Housing Land Supply

81. 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.

82. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October

2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

83. Overall, it is considered that the development is acceptable in principle in accordance with Policy 6 of the CDP and the aims of the NPPF. However, it is also the case that proposals must accord with the plan as a whole. The overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies as set out below.

Locational Sustainability of the Site

84. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable, and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
85. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110, the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken, whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
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 in the Chester-Le-Street cluster comprising of Chester-Le-Street and Pelton Fell. The Chester-Le-Street Cluster is ranked 5th within the County based on the services and facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth.
87. However, although the Chester-Le-Street 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.
88. In relation to distances to services and amenities, the site (at its closest point) lies within approximately 300m of Pelton Fell Surgery, 400m of Pelton Fell Community Centre and 400m of a convenience store. Although these facilities will generally meet the needs of future residents the site is also around 1.4 miles from Chester-Le-Street town centre boundary which contains an array of amenities and services including shopping, leisure facilities and a transport hub. In terms of distances to services and amenities, these are generally considered acceptable as 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, a walking distance of 1650-2000m or a 20-minute walk is at the upper end of what future residents could be expected to walk, taking into account topography and the desirability of routes. In terms of cycle access, the site performs well, with services in the town centre within a short cycle ride.

89. A public right of way lies to the east of the site; the development includes a link to this Right of Way providing access to the local footpath network.
90. Existing bus stop provision lies on Bluehouse Bank which provides a regular service throughout the week and into the evenings. The submitted plans show that pedestrian connections will be established to facilitate access to these bus-stops.
91. Although a significant proportion of the site falls outside the recommended 400m walking distance criteria to bus stops the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range whereas a walk of 800m falls within the 'acceptable' range. The walking distance from the furthest dwelling to a bus- stop is 600m which is therefore acceptable.
92. An updated Travel Plan was submitted with which outlines sustainable transport measures to be incorporated such as a short-term bus pass for all residents. A condition is proposed to secure the measures outlined within the Travel Plan to reduce reliance on the private car and to promote sustainable transport methods in accordance with Policy 21 of the CDP.
93. Overall, it is considered that the site has access to a range of services, facilities, and local bus services to serve the development proposed and that these are within relatively easy reach of the site. Overall, walking, cycle routes and bus services would give future residents alternative options to the private motor car to access services when taken in the round, and subsequently no objections are raised having regards to the locational sustainability of the site.
94. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Highways

95. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
96. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that 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. These are concerns raised by an objector.
97. A Transport Statement (TS) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The survey data was based on survey flows from 2017 and 2019 which were used to establish future traffic scenarios bearing in mind the impacts of increased working from home culture and flexible hours on peak time traffic flows. In consultation with the Highways Authority a Transport Assessment Addendum was later submitted to assess the revised quantum of development (reduction from 150 to 80 dwellings) in relation to quantifying the number of vehicle trips assigned to the strategic road network. The

Addendum also included an update on the highway improvements at Chester-Le-Street town centre secured through planning permission DM/18/00879/FPA and clarification of whether the traffic associated with this scheme would have any residual impacts on the performance of the town centre junctions.

98. The proposed development will utilise the existing access off Bluehouse Bank serving the Phase 1 development site where a protected right turn ghost traffic island has been created. The Transport Statement and Addendum submitted consider the impact of the development on the surrounding road network and conclude that the development would have an acceptable impact on this junction.
99. In reviewing the proposals, the Highway Authority advise that this proposed access into the site would be acceptable, subject to securing the delivery of agreed offsite highway works, including improvements to town centre junctions. It is also advised that the principle of the internal site layout is acceptable.
100. Overall, based on the advice of the Highway Authority and Highways England, it is considered that the proposal would be served by an appropriate means of access and subject to condition would not have an unacceptable impact on the wider highway network. The indicative layout of the site is considered acceptable.

Landscape and Visual Impact

101. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, it should provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
102. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
103. Parts 12 and 15 of the NPPF promote good design and set out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
104. The Council's Landscape Officer is satisfied that the most recent layout which includes a landscape buffer to the south with dwellings fronting onto it would help to provide accessible open space around the entire perimeter of the development and would strengthen the new settlement edge. More detailed landscape plans are requested to ensure large size native trees are included to filter the facades of the proposed housing in views towards the settlement and retain and frame views out to the south from the site towards the Area of Higher Landscape Value and to require additional lines of trees along streets within the northern area of the site. However, these details can be addressed under a reserved matters application.
105. The submitted landscape masterplan is acceptable to ensure that the housing will assimilate into its surroundings and provide a new attractive settlement boundary and

therefore not result in harm to the landscape or views. Reserved matters can address the more detailed landscape requirements such as ensuring tree lined streets and conditions can ensure tree protection. The proposal is therefore considered to comply with policies 26,29,39 and 40 of the County Durham Plan and parts 12 and 15 of the NPPF.

Residential Amenity and pollution

106. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
107. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The indicative layout demonstrates that minimum separation distances between proposed properties and existing dwellings can be achieved.
108. Parts 12 and 15 of the NPPF 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.
109. There is the potential for disturbance during the construction period. An initial construction management plan (CMP) was submitted alongside the application however an updated version can be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the suggested conditions would help to mitigate any significant adverse impacts.
110. The site is in close proximity of the Chester-Le-Street Air Quality Management Area. An air quality impact assessment has been submitted assessing the impact of the development. Additional detail has also been submitted following queries from the Council's Air Quality Consultant. Following the receipt of additional information Environmental Health raise no objection to the scheme.
111. With respect to the construction phase of the development, an updated Construction Management Plan will be secured by condition.
112. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Ecology

113. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species

under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

114. A Preliminary Ecological Appraisal has been submitted in support of the proposal. The appraisal notes that there is an area of woodland to the south of the site which is designated as a Local Wildlife Site and Local Nature Reserve. In addition, the Waldrige Fell SSSI is within 2km of the development area and the site is within the Impact Risk Zone of this site. No evidence of badger has been recorded on site. The site may provide some habitat for foraging and commuting however the woodland area off-site to the south is more likely to support the species. The value of the site for badger is considered to be no more than local. No other protected species were recorded on site; however, hedgehog, brown hare, common toad and reptiles may use the site at times. The site is considered to be of no more than local value for these species, however.
115. Separate ecological reports have been submitted in relation to Bats, Birds, and Newts. The site is considered to be of low suitability to foraging and commuting bats. The woodland edge to the south east provided good quality foraging and commuting habitat which is well connected to additional foraging habitat. Overall, the site is concluded to be of local value to bats due to the woodland edge on the site boundary at the south east corner. The site is noted to support skylark, grey partridge and yellowhammer within and around the farmland. Of the 10 bird species considered to be breeding on site, 3 are listed as birds of conservation concern (BoCC) and are classified as either red (2 species) or amber (1 species) listed species. No evidence of great crested newts was recorded during the conventional surveys. An eDNA survey of pond 3 – completed after 4 conventional surveys, recorded the presence of great crested newts. It is considered therefore that the species is likely to be present within the ponds where they have previously been recorded as part of monitoring for the phase 1 development, however the cold spring may have depleted the numbers in 2021. Based on previous survey work and the translocation operation within phase one of the current development to the north of the site, it is concluded that the species is present.
116. The ecological appraisals make a series of recommendations for the proposals in relation to lighting, timing of works, tree retention, construction practice, habitat creation, landscape planting, SuDS creation and maintenance, and species-specific habitat provisions. These can be ensured via condition.
117. An appropriate NE licence would need to be in place prior to any works impacting Great Crested Newts. The presence of protected species is a material consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 2010. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the Regulations, it is

criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.

118. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that the activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; favourable conservation status of the species must be obtained.
119. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under the Regulations and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. An LPA failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
120. Guidance provided by Natural England states that the proposed development must meet the purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment'. In addition, the Council must be satisfied that 'there is no satisfactory alternative' and that 'the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'. The guidance goes on to state that Natural England applies the tests on a proportionate basis, thus the justification required increases with the severity of the impact on the species or population concerned. Each of the three derogation tests are addressed below-

Imperative reasons of overriding public interest or for public health and safety.

121. The guidance provided by Natural England states that when considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/developments are required to meet or provide a contribution to meeting a specific need such as:
 - The requirement to maintain the nation's health, safety, education, environment (Sustainable development, green energy, green transport);
 - Complying with planning policies and guidance at national, regional and local level;
 - Requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc).
122. The guidance goes on to state that in other words the development proposal must contribute to meeting an imperative public interest, and that interest must be sufficient to override the protection of any potential impact on the European Protected Species concerned.
123. It is considered that the proposed development is necessary and in the public interest as it involves the development of housing that complies with National and Local Plan policy.

No satisfactory alternative

124. As pointed out in Natural England's guidance there are always going to be alternatives to a proposal, and it must be determined whether a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on European Protected Species. It is expected that the applicant will demonstrate that alternatives have been considered, explain what these alternatives were and provide a justification for their chosen site together with details of why others have been discounted.
125. Whilst other options have not been detailed, given that this is second phase of an existing housing scheme with a shared access rather than a new site it is not considered appropriate to insist on alternative site consideration in this instance, therefore, it is considered that the proposal has satisfied this test.

Favourable Conservation Status

126. Natural England's guidance on this matter refers to the definition of 'favourable conservation status' as defined in the Habitats and Species Directive (Article 1 (i)). Conservation status is defined as 'the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its population within the territory' and it is assessed as favourable when 'population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and, there is, or will probably continue to be, a sufficiently large habitat to maintain its populations on a long term basis.'
127. The Council's Ecologist is satisfied that the mitigation strategy proposed is sufficient to maintain the conservation status of the species and ensure that the legislation protecting Great Crested Newts is not breached. Therefore, it is considered that the proposal would not have significant impacts on the favourable status of the Great Crested Newt. It is considered therefore that the proposed development would meet this test. Bearing the above in mind it is considered that the proposal would meet the derogation tests.
128. The Council's Ecologist has also considered the Biodiversity Net Gain Assessment which was undertaken during the course of the application and is satisfied that BNG above 10% can be delivered as part of the development in accordance with CDP Policies 26 and 41 and Paragraph 174 of the NPPF. A Biodiversity and Management and Monitoring Plan, including a monitoring strategy for a minimum of 30 years, would need to be secured by condition and under Section 39 of the Wildlife and Countryside Act 1981.
129. Overall and subject to the imposition of conditions to secure the mitigation strategy and a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

Layout, Design and Sustainability credentials

130. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

131. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 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.
132. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan.
133. This outline scheme was considered against the BfL standard through a series of 6 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. After amendments, the scheme has scored more positively achieving 6 “ambers” with the locational constraints beyond the control of design preventing achieving a green on a number of criteria. Furthermore, some aspects would be unable to score green until more detail is available than is required at this outline stage.
134. The development is, therefore, now considered to represent an acceptable design and there are significant areas where both the overall design and layout has been improved. In response to earlier feedback the developer has reduced the number of dwellings to 80, reduced the extent of the built development, positioned all homes within 600m of a bus stop and provided more detail as to footpath links and a southern landscape buffer.
135. The Council’s Urban Design Officer considers that the amended layout is a positive amendment to the original submission and has no objections.
136. Policy 29 of the CDP sets out that major new build residential development should achieve CO2 reductions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future.
137. In respect of climate change, the applicants propose a condition to ensure that the development would achieve reductions in Carbon Dioxide (CO2) emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations, 6 as required by Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations and there have been change to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as is this covered under separate legislation there is no need for a condition to reflect this.
138. Bearing the above in mind the proposal would generally accord with Policy 29 of the CDP and Part 12 of the NPPF in this respect.

Heritage and Archaeology

139. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
140. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
141. There are no designated or non-designated heritage assets within close proximity of the development site. The line of the Waldrige Wagonway, which is now a Public Right of Way, lies approximately 220m south of the southern boundary of the site and visible on the second edition OS map circa 1898. It may be considered a non-designated heritage asset, having communal value as a well-used pedestrian route. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site and would not impact upon the setting of the nearby conservation area, in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.
142. In respect of archaeology, further mitigation in relation to remains in Trenches 2 and 9 can be secured by condition, with the exact details of the areas to be covered through a Written Scheme of Investigation which can also be subject of condition. With such a condition the proposal would be considered to comply with Policy 44 of the CDP and Part 16 of the NPPF in this respect.

Flooding and Drainage

143. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
144. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
145. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SuDs) including detention basins to attenuate and treat surface water in 1 - and 100-year flood events to allow infiltration ensuring that there would be minimal runoff from the site. Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not

increase flood risk and would adequately treat and dispose of surface water. Northumbrian Water offer no objections to the approach to surface water management.

146. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station associated with the Phase 1 development, to which Northumbrian Water raise no objections.
147. Subject to conditions requiring the implementation of the drainage strategy no objections to the development on the grounds of flood risk or drainage are raised having regards to policies 35 and 36 of the CDP and Part 14 of the NPPF

Infrastructure and Open Space Provision

148. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
149. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
150. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
151. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
152. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
153. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
154. Given the scale of the development, it would generally be expected that all amenity space and play space would be provided on-site. A total of 0.288ha of open space has been accounted for within the Indicative Layout (requirement is for 0.272ha) and this would include amenity and fixed child's play space.

155. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development. A condition is proposed to secure the details of the future management and maintenance arrangements.
156. The developer is willing to enter into 106 agreement to contribute money in lieu of on site provision of other typologies. A financial contribution of £118,448 towards the delivery of off-site allotments and parks, recreation ground and improvements to youth play equipment is proposed. Having regard to the availability and proximity of existing facilities to the site this proposal is considered to be acceptable and in accordance with OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.
157. Paragraph 95 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 Manager has advised that the proposed development is likely to generate an additional 10 secondary age school pupils. Whilst there is sufficient capacity at the local primary schools to accommodate this need there is insufficient capacity at the local secondary school. A total contribution of £165,540 towards secondary education provision is therefore required. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.
158. It is noted that impacts to GP services is a concern of local residents. The County Durham Clinical Commissioning Group (CD CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £38,640 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.

Addressing Housing Need

159. Policy 15 of the CDP requires affordable housing to be sought on sites of 10 or more units, for up to 25% of units in the highest value areas. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP. As this site is within a medium value area, this development would require 15% affordable housing, in the form of affordable home ownership and rent.
160. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
161. The developers have submitted an affordable housing statement committing to meeting the 15% policy requirements and this can be secured by s106 legal agreement. Further details in relation to the type, size, number and location of the affordable housing would be addressed at reserved matters stage.
162. Overall, the scheme does generally meet the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

Developer Contributions

163. Policy 25 of the CDP, Paragraph 57 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 following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):
- £165,540 towards secondary education provision;
 - £34,640 to increase GP surgery capacity;
 - £118,448 off-site public open space contribution;
 - The delivery of 15% affordable housing units on site, equating to 8 units for affordable home ownership and 4 units for affordable rent; and,
 - The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance, including a monitoring strategy of the biodiversity land.
164. The applicant has indicated their acceptance to enter into such agreements and therefore it is considered that this scheme of 80 units would sufficiently mitigate its own impacts.

Contamination and Land Stability

165. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
166. Given the sensitive end use of the site, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted alongside a Ground Gas Addendum Report in support of the application considering the issue of land contamination. Environmental Health Officers have considered this report, concluding that conditions to secure Phase 3 works (remediation works) and 4 (verification) reports in addition to an informative relating to unforeseen contamination would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.
167. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. The site lies outside of the Coal Authority High Risk Area and therefore a risk assessment in relation to previous coal mining activity is not required.

Other Considerations

168. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 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. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.

169. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 5.64ha of Grade 3 (good to moderate) agricultural land. The report identifies that the land falls into various grades of Grade 3a (best and most versatile), 3b and non-farmable land. In a circumstance whereby the land is classified as best and most versatile it does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance, it is considered that the loss is not significant and therefore does not hold weight in the planning balance.
170. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites.
171. Policy 14 of the CDP requires all development proposals relation to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A preliminary soil resource management strategy has been provided with the application; further detail can be secured by condition.
172. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area and a sand and gravel safeguarding area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. Officers have reviewed the Minerals Assessment and considers that in overall terms the resource underlying the site would not be economic to extract. Furthermore, there does not appear to be any current market interest in doing so and commercial scale extraction is unlikely to be supported due to the proximity of the site to local residents and businesses. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
173. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.
174. The current state of walkways close to the site has been raised as a concern by a resident and councillors. The developers have been requested to extend the access improvement works to include a new footpath provision for a 33m stretch between the eastern extent of the current improvement works and the entrance to neighbouring Valley Road. This can be made subject of a condition in relation to the S278 highway works.
175. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and

persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

176. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay paragraph 11 c).
177. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies. The development site is an unallocated housing site; however, the amended proposal meets the requirements of Policy 6 of the CDP. The site has access to a range of services, facilities and local bus services to serve the development proposed and that these are within relatively easy reach of the site. Overall, walking, cycle routes and bus services would give future residents alternative options to the private motor car to access services accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.
178. The proposed access into the site would be acceptable, subject to securing the delivery of agreed offsite highway works, including improvements to town centre junctions. The principle of the internal site layout is acceptable.
179. There is unlikely to be adverse transport impacts to the network and the site has been designed to be permeable, minimise car traffic and vehicle speeds and create a safe family friendly environment. The development is therefore acceptable on transport and highway impact grounds.
180. The proposal would mitigate its landscape and visual effects and provide, manage and maintain new green infrastructure in accordance with CDP Policies 6, 26 and 39 and parts 12 and 15 of the NPPF and the proposal would not result in the loss of existing trees and hedgerows, therefore, fully complying with Policy 40 of the CDP.
181. A Section 106 can require a commuted sum in respect of open space provision, education, and healthcare requirements needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
182. The proposal would not result in adverse impacts to designated or non-designated heritage assets or residential amenity, wildlife sites or protected species.
183. A section 39 agreement can ensure that the accepted Biodiversity net gain is achieved, managed and monitored appropriately and conditions can secure the mitigation strategy and a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years.
184. Conditions can ensure that any drainage and contamination and soil storage are addressed. There are no concerns over the loss of agricultural land or mineral's resources.

185. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

RECOMMENDATION

186. That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement upon submission of landscaping details as a reserved matter to secure the long-term management and maintenance, including monitoring strategy of the biodiversity land.
- The delivery of 15% affordable housing comprising
- £165,540 towards securing additional secondary education provision.
- £34,640 to increase GP surgery capacity in the area.
- £118,448 towards improving off site play space for youths and other space typologies in the Electoral division.

And subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.

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

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

Site Location Plan PL-01B 20/06/2022
Biodiversity Net Gain Assessment v6 26/07/2022
Landscape Appraisal 11/03/2022
Affordable Housing Statement 23/05/2022
Transport Assessment Addendum 23/05/2022
Land Use Plan PA-01B 20/06/2022
Indicative Masterplan PL-01B 20/06/2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 4 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be

prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. Details of methods and means of noise reduction
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration. Details of use of vibration rollers on site and any mitigation measures in this regard.
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
14. Details of phasing of development and location/relocation of the site compound.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. In undertaking the development that is hereby approved:

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

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. No development, other than demolition, site investigations and site remediation works and ecological mitigation works shall commence before detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

7. No development shall commence 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 Phase 3 remediation strategy, which will include details of the 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. Remediation works shall be carried out in accordance with the approved remediation strategy. The development 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

9. No dwelling hereby approved shall be occupied until a scheme for highway improvement works at the Chester Le Street Town Centre /Picktree Lane Junction have been submitted to and approved in writing by the Local Planning Authority and the approved works have implemented in accordance with the approved plans and the junction is open to traffic.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

10. No individual dwelling on phase 2 shall be occupied until the scheme to introduce new access with traffic calming features and bus stop improvements on DGR Proposed Site Access Arrangement DRG JN1231-DWG-008F as secured through phase 1 has been implemented and is open to traffic and agreed with a S278 Agreement.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the details contained within the Arboricultural Impact Assessment dated 15/11/2021. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.

12. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. Prior to the occupation of the development details confirming the installation of a full broadband connection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.

14. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.

15. No development shall commence before a foul and surface water drainage scheme has been submitted to and approved in writing by the LPA which will follow sustainable solutions as set out in the Flood Risk Assessment and Drainage Strategy – Issued 15th March 2022 - Report No. 2109-Ro0 – FRA & DS – Revision F. The development shall take place in accordance with the approved scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF. Required as a pre-commencement condition to ensure that the suitable drainage is achieved for the site and any off site impacts are appropriately managed.

16. The development shall be carried out in accordance with the mitigation recommendations outlined within the Ecological Appraisal Report, Great Crested Newt Survey, Bat Survey and Breeding Birds Survey dated 11/08/2021 and skylark mitigation plan dated 15/07/2022.

Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. No development, other than demolition and site remediation works, shall commence until the submission to and approval of the LPA of an updated Biodiversity Metric and Biodiversity Management and Monitoring management plan. The development shall take place in accordance with the approved details.

Reason: This information is required in order to ensure that the stated level of net gains can be achieved in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.

18. All of the dwellings hereby approved shall be provided with appropriate cabling and infrastructure to allow future installation of electric vehicle charging points.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework

19. No development shall commence until a written scheme of investigation in accordance with the Archaeological Evaluation dated January 2020 setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

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

20. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation prepared in accordance with Condition 19. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority prior to occupation of any dwelling hereby approved.

Reason: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

21. The proposed pedestrian link between the development and footpath no.11 Chester le Street shall allow for long term unrestricted public access to the footpath.

Reason: To ensure the link path does not become subject to temporary or permanent closure without notice in accordance with CDP Policy 26 and part 8 of the NPPF.

22. The development shall take place in accordance with the key actions outlined within the Interim Travel Plan (Revision A) dated May 2022.

Reason: To ensure the development delivers sustainable transport options on site in accordance with County Durham Plan Policy 21.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation response
- County Durham Strategic Housing Land Assessment Report (2019)
- County Durham Strategic Housing Market Assessment (2019)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019
- County Durham Strategic Cycling and Walking Delivery Plan 2019
- Climate Change Strategy and Emergency Response Plan 2022-24 2022




Durham
County Council

Planning Services

Outline application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (revised description).
 Land To The West Of Valley Road
 Pelton Fell, DH2 2NN
 Ref: DM/21/02849/OUT

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Comments

Date 6th September 2022

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/00120/FPA
FULL APPLICATION DESCRIPTION:	Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works.
NAME OF APPLICANT:	Renewable Energy Systems Ltd
ADDRESS:	Land South Of Spennymoor Electricity Substation (south), Thinford Lane, Thinford, DH6 5JX
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The site of the proposed development occupies an area of 4.6 hectares (ha) comprised of an agricultural field, with some hedges and vegetation present adjacent to the site boundaries. Thinford Lane (A688) runs in an east to west direction to the north of the site. The site would be accessed from the C37 Road to the east via East Howle. The edge of the settlement of Spennymoor is positioned approximately 750m west of the site boundary. An existing substation is positioned adjacent to the site boundary to the south of Thinford Lane and an additional substation is located to the north of Thinford Lane.
2. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located approximately 1.1km to the south east.
3. The site is not located within or adjacent to any ecological designations. The Carrs Site of Special Scientific Interest (SSSI) is positioned approximately 1.2km south east of the southern site boundary. Thrislington Plantation SSSI, Special Area of Conservation (SAC) and National Nature Reserve (NNR) cover the same area and are positioned approximately 2.5km south-east of the southern site boundary. Additional SSSIs are located beyond 3km of the site boundary. Cow Plantation Local Nature Reserve (LNR) is located within Spennymoor approximately 2.9km west of the western site boundary, Ferryhill Carrs LNR and Local Wildlife Site (LWS) is positioned approximately 1.2km south of the southern site boundary and Coxhoe Quarry LNR is located approximately 2.5km north-east of the site.

4. The site is entirely within Flood Zone 1 and also entirely within a minor Groundwater Vulnerability area. The site is within Mineral Safeguarding Area for surface mined coal and is within a mixture of Low Risk and High Risk Coalfield Development Areas. The site also lies within the safeguarding area for the High Moorsley Meteorological Station
5. No designated or non-designated heritage assets are located within the site. The Grade II Listed Manor House including Cottage, Piers and Statue, Grade II Listed Gateway and Wall Attached South of Manor House, Grade II Listed East Howle and Crossings War Memorial, Grade II Listed War Memorial and Grade II Listed Walton Memorial are located approximately 1.2km to the south of the site in Ferryhill. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 1.7km east of the eastern site boundary. The Grade II Listed 53, The Green, Grade II Listed West Cornforth War Memorial, Grade II Listed Church of the Holy Trinity and Grade II Listed Walls, Piers, Gates and Railings east of Church of the Holy Trinity are all located approximately 1.8km to the east in Cornforth.
6. There are no public rights of way within the site boundary. Footpath No. 4 (Ferryhill Parish) is located approximately 190m to the west of the site, Footpath No. 9 (Ferryhill Parish) is located approximately 180m to the south and Footpath No. 3 (Ferryhill Parish) is located to the immediate east of the site boundary. Access to the development would need to cross Footpath No. 3 close to East Howle.
7. The nearest residential properties to the proposed development are East Howle Farm and East Howl travellers site approximately 300m to the south east, Cooksons Green approximately 350m to the east and Red Hall Farm approximately 630m to the south west. Metal Bridge is located approximately 1km to the east, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1km to the south.

Proposal

8. The proposed development comprises the installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works.
9. The development would consist of 48 battery storage containers, each measuring 13.7m by 2.4m with a height of 2.9m. Heating, ventilation and air condition units are located at the end of each container. The development would have 36 power conversion systems and transformers with each measuring 9.5m by 5.6m with a height of 2.3m. There would be a single containerised substation measuring 16m by 4m with a height of 4.5m and a single auxiliary transformer measuring 1.9m by 1.9m with a height of 2.1m. There would be 2 grid compliance units, each measuring 4m by 2.8m with a height of 2.7m
10. The installation would require supporting infrastructure including gravel maintenance tracks and security systems. The cabling that links the batteries to the substation would be connected via a network of shallow trenches which would be backfilled. The site would be set within a 3m high palisade fence. An inner acoustic fence would also be provided to reduce noise impact from the development. CCTV cameras will be positioned to cover the site access points in order to provide security to the site and prevent unauthorised access by members of the public. Infrared (non-visible) security lighting would also be provided to support the CCTV equipment. The proposal would also include additional native tree planting and native hedgerows.
11. The construction phase of the development would last for approximately 12 months. Working hours for construction are proposed to be 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. There would be no work undertaken on

Sundays or Bank Holidays. HGV deliveries to the site would average approximately 10 movements per day during the construction period (5 in and 5 out) with a total of approximately 1400 deliveries to the site during the construction period.

12. Once operational the site would operate 24 hours per day and would be unmanned and controlled remotely. There would be approximately one routine visit to the site per month (12 times per year).
13. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

14. No previous planning applications have been submitted on the application site.

PLANNING POLICY

NATIONAL POLICY

15. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
16. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
17. *NPPF - Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
18. *NPPF - Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF - Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.

20. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
21. *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.
22. *NPPF - 15 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, site of biodiversity or 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.
23. *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/government/publications/national-planning-policy-framework--2>

24. 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; listed air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

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

25. Other material considerations include EN:1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011). Both National Policy Statements are currently under review and the Draft Overarching National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) are currently out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero). EN-3 reflects the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

26. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
27. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
28. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
29. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
30. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* – States that proposals will be permitted for new or extensions to existing energy generation, utility transmission facilities, telecommunication masts or other broadcast and broadband equipment which facilitate the electronic transfer of data where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects.
32. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.

33. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
34. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
36. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
37. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
38. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
39. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to

survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

40. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
41. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

NEIGHBOURHOOD PLAN:

42. There is no Neighbourhood Plan for this area.

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/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Ferryhill Town Council* – has objected to the proposal. This application was considered in conjunction with the proposed solar farm to the north (DM/21/02990/FPA) which has since been refused planning permission. Concerns have been raised in respect of landscape impact, harm to wildlife, loss of agricultural land and noise impact. It has been suggested that land to the north of the existing substation would be a preferable site.
44. *Highway Authority* – has raised no objections to the proposals. Officers note that during operation the development would generate a negligible level of vehicle movements but anticipate levels of construction traffic to be significant. On this basis officers have recommended a condition requiring routes for construction to be agreed as part of a Construction Management Plan by condition.
45. *Environment Agency* – initially objected to the development due to the proposed drainage system. The applicant has since confirmed that foul drainage from the site would be disposed of to a cesspit. The Environment Agency has advised that a cesspit is the least desirable option in the foul drainage hierarchy but have not objected to this proposal. The Environment Agency has also provided advice in respect of flood warning and emergency response but has not requested any conditions in respect of this.

46. *Lead Local Flood Authority (Drainage and Coastal Protection)* – initially raised concerns in respect of surface water management. Further details were subsequently provided, which were considered to be acceptable. Officers have advised that consent to connect to a watercourse should be obtained from the Local Authority should be obtained prior to the commencement of the development. This requirement would be added to any planning permission as an informative.
47. *The Coal Authority* – initially objected to the development as a Coal Mining Risk Assessment did not appear to accompany the application. Following submission of the Coal Mining Risk Assessment the Coal Authority were reconsulted and raised no objections subject to conditions to carry out intrusive site investigation works and establish if there is a requirement for any remedial works.
48. *Northumbrian Water Limited* – has stated that they have no comments to make as no connections to the public sewerage network are proposed.

INTERNAL CONSULTEE RESPONSES:

49. *Archaeology* – has raised no objections to the proposals. The application is accompanied by a geophysical assessment which has shown low archaeological potential for most of the site, but this needs to be tested and confirmed by trial trenching. Officers have agreed that the trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
50. *Design and Conservation* – has raised no objections to the proposals. Officers have noted that Section 6.3 of the submitted planning statement addresses the potential impact of this proposal on built heritage when considering the distance of the proposal from any assets and the proposed mitigation. The conclusions that there will be little to no impact are considered reasonable.
51. *Ecology* – has raised no objections to the proposals. Officers initially raised concerns regarding the deliverability of Biodiversity Net Gain (BNG) from the site. Amendments to the landscaping scheme, Biodiversity Monitoring and Management Plan (BMMP) and Biodiversity Metric have subsequently been submitted taking into recommendations from Ecology officers. Following this, Ecology officers requested that the mitigation measures set out at Section 7 of the Ecological Assessment, extent and type of habitats to be created and BMMP be secured. It is recommended that this be delivered through a Section 39 (Wildlife and Countryside Act) agreement.
52. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections in relation to the proposed development. Officers initially requested further information in relation to dust management. Further information was provided in the form of a dust risk assessment, updated Transport Assessment and Construction and Environmental Management Plan. The additional information was found to be acceptable.
53. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers have advised that the site is located in close proximity to a number of sites of potential land contamination, however, given the nature of the use and location of the buildings there is unlikely to be an adverse impact and no conditions are recommended. An informative is recommended to inform the developer of the correct action if unexpected contamination is discovered during the construction period. Officers have also noted that the site is partially within a High Risk Coalfield Development Area. The Coal Authority have been consulted separately on this matter.

54. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. The submission of a Construction and Environmental Management Plan is noted, and a request is made that this is secured by condition.
55. *Landscape* – Officers have not specifically objected to the proposals but have stated that the development would cause harm to the character, quality and distinctiveness of the local landscape and to important views from high ground to the south in Ferryhill. While some of the harm in local views could be mitigated to some degree in the medium term, the effects in views from high ground would retain some residual harm. Officers have stated that the proposals would conflict with CDP Policies 10 and 39 unless the benefits of the development are considered to outweigh the harm.
56. Following revisions to the development Landscape officers commented that changes made to the landscaping plan were welcomed but reiterated that there remains residual harm in views from high ground to the south. Officers also note the commitment from the applicant to install green battery enclosures to mitigate some of the harm.
57. *Public Rights of Way* - has raised no objections to the proposals. Officers initially raised concerns about the potential impact to Footpath No.3 (Ferryhill Parish) both physically due to the crossing point for construction traffic and also in respect of noise and visual impact during construction and operation. Amendments to the proposal in respect of additional screening and noise attenuation have sought to reduce the operational impacts and management of construction traffic would form part of Construction Management Plan. Officers are satisfied with this approach.
58. *Spatial Policy* – has raised no objections to the proposed battery storage facility. Officers identified the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Key determining factors will be the environmental and economic benefits of the proposals balanced against potential harm to the countryside, landscape and agricultural land.

PUBLIC RESPONSES:

59. The application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 393 neighbouring properties.
60. 24 letters of objection have been received from local residents. The issues raised are set out as follows:
61. Objectors have raised amenity concerns regarding the construction and operation of the proposed development, particularly in relation to noise, dust and light pollution. It has been suggested that the noise assessment is inadequate and should have been carried out over a longer period of time.
62. Access and traffic has been raised as concern as residents consider the surrounding road network to already be very busy and additional traffic or traffic controls would not be welcome. It has been stated that the area around the site is an accident hotspot.
63. Objectors have stated that the development would result in the loss of greenfield, agricultural land and that it should be located elsewhere on allocated industrial or brownfield land.

64. It has been stated by residents that the site would result in harm to the landscape that would not be mitigated by the proposed tree screening as the site would remain visible from Ferryhill.
65. Concerns have been raised by objectors regarding the potential risk of fire or explosion from the proposed batteries and it has been suggested that they are located further away from residential properties.
66. 1 letter of support has been received from Spennymoor Town Football Club which states that energy storage systems, as proposed in this application, are going to be an essential part of the electricity network system if the UK is to get to net zero. Fossil fuels must be phased out as soon as possible and energy storage means that there can be more electricity from wind and solar. Wind and solar aren't just clean and zero carbon, they are the cheapest electricity generation available
67. *The Council for the Protection of Rural England (CPRE)* – object to the battery storage facility. They have commented that it does not constitute renewable energy or essential infrastructure and therefore does not fall within Policy 10 and should be refused. Concerns are also raised in respect of landscape impact and the potential for fire or explosion to occur.

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/>

APPLICANTS STATEMENT:

68. RES is the world's largest independent renewable energy company with 40 years' experience developing, constructing and operating renewable energy assets.
69. Our electricity system is in a transitional period to manage the increasingly complex supply and demand needs of the 21st Century; increased deployment of renewable energy generation is needed, however, electricity is generated intermittently depending on weather conditions. This can cause problems for the national grid network. Energy storage systems are therefore acknowledged as an essential part of the future electricity system as they work by storing energy at times when generation exceeds demand and then releasing electricity back to the network when demand exceeds generation. This keeps the grid network balanced and ultimately, the lights on.
70. Energy storage systems have a unique locational requirement to be positioned as close as possible to its point of connection to the national grid network. This proposal has therefore been located directly adjacent to the existing Spennymoor Electrical Substation to ensure that the system is as efficient as possible. Its proximity also minimises environmental impacts by preventing the need for additional overhead/underground cabling. The site is located outside of any local or national environmental designations and is located away from residential properties.
71. An extensive landscaping plan is proposed which includes the planting of new native woodland, species-rich grassland and the creation of a pond. This will provide a plentiful source of food and shelter for a range of species meaning that the proposal will provide a 25% net gain for biodiversity.
72. The extensive woodland planting will also significantly reduce the visual impact of the development, ensuring that any views are limited and localised in nature. We've also taken account of feedback from the local community and statutory consultees and the

battery containers will be finished in a non-reflective, visually recessive colour, further reducing visual impact.

73. The proposed Spennymoor energy storage system would occupy only 4.2 hectares of land, some of which is already existing access track, yet it would provide significant benefits including:
- Playing an essential role in balancing the generation and demand on the national grid network, without which we may see widescale blackouts.
 - Solving the problem of intermittent generation from renewable energy systems like wind and solar, enabling their continued development across the UK.
 - Improving the UK's energy security Protecting against volatile global energy prices.
 - Contributing approximately £150,000 a year to local services via business rates.
 - Contributing to the future and long-term viability of the farm.
 - Providing a biodiversity net gain of 25%.
74. The development draws support from Durham County Council's adopted Local Development Plan given its objectives relating to sustainability and a transition to a low carbon future, and more recently its declaration to achieve net zero by 2030.
75. In conclusion, it is considered the significant benefits of the development would outweigh the limited impacts and planning permission be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

76. 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 development, landscape, access and traffic, residential amenity, land stability and contamination, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, other matters and public sector equality duty.

Principle of Development

77. 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 County Durham Plan (CDP) is the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
78. 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.

79. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

Key policies for determination

- 80. The key policy for the determination of this application is CDP Policy 27 relating to utilities. This Policy supports proposals for new or extensions to existing energy generation and utility transmission facilities where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects.
- 81. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more exceptions set out within the policy. Criteria e) of Policy 10 relates to infrastructure development and is permissive towards development necessary to support essential infrastructure where the need can be demonstrated for that location. Supporting text in CDP paragraph 5.76 states that new infrastructure will also be supported, especially where this will bring about wider economic and social benefits. It is therefore considered that the development would constitute an exception to CDP Policy 10 and the acceptability criteria are engaged.
- 82. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
- 83. The potential impacts of the development are considered in the sections below.

Landscape

84. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
85. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.
86. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
87. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
88. The site lies in the Wear Lowlands County Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area (NCA 14). It lies in the Eastern Valley Terraces Broad Character Area which belongs to the Lowland Valley Terraces Broad Landscape Type. The site is made up of open, undulating arable farmland bounded by mature vegetation surrounding the adjacent Spennymoor Substation to the north, a low clipped thorn hedge to the east, with the other boundaries undefined). The site forms part of a wider tract of open farmland of a similar character. Although the local landscape contains a number of strategic overhead powerlines and electricity substations which, together with the busy A688, give it a slight urban fringe quality, it is still essentially rural in character.
89. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located approximately 1.1km to the south east.
90. The site occupies low lying gently undulating farmland falling eastwards to the shallow valley of the Coxhoe Beck from a high point at the southwest of the site. Due to the nature of the topography views of the locality are generally shallow. Receptors in near views include the footpaths that pass the site to the east and west and scattered isolated properties

91. The site is overlooked from the higher ground of the Limestone Escarpment including the Limestone Escarpment Ridge to the south. Receptors in that area include properties on the settlement edge of Ferryhill, minor roads (C37) and the plethora of footpaths on the north facing slope, north of Ferryhill.
92. Landscape officers have stated that the development would entail a notable incursion into open countryside. While the wider landscape has a settled character with a number of detractive elements, including busy highways, energy infrastructure and built form including amazon warehouse, this leaves the rural dimension to its character relatively fragile and susceptible to further impacts.
93. Despite the influence of the existing energy infrastructure, at the level of the site and its immediate surroundings, the proposals would involve a transformative change from open arable farmland to an energy storage facility dominated by features of a notably man-made/industrial character.
94. The effects would be notable in views from the immediate locality which includes footpaths No. 3 and 4 (Ferryhill Parish) that pass the site to the east and west from where there would be shallow views of the site. From footpath No. 3 views would be intermittent and limited in places by existing hedgerow vegetation (less so in winter) although views would still be afforded through sporadic sparser sections, and through gaps. The visibility of the development from this footpath, and therefore its effects on the character of the local landscape, would be reduced over time by a combination of tailored management of existing vegetation and the planting of new trees on the proposed bunds which would help integrate the proposals with the surrounding area and would be effective in a few years. From footpath No. 4 the proposal would be viewed across an open arable field. At the time of development and for several years afterwards (the length of time depending on the quality and performance of the planting) the proposal would remain notable.
95. The transformative effect on landscape character would however be strongly evident from the higher ground of the Limestone Escarpment Ridge due to the topography of the site, which slopes south-east towards the escarpment. Receptors in that area include properties on the settlement edge of Ferryhill and the plethora of footpaths (No. 1, 2, 3, 4 and 5 (Ferryhill Parish)) on the north facing slope, north of Ferryhill. In these views, whilst across a settled landscape which takes in existing infrastructure and built form, including the large Amazon warehouse, the development would be conspicuous and the effect on character would be evident. Photomontages supplied as part of the application indicate that the effects in views from high ground, whilst reduced to some degree after 15years, would not be adequately mitigated against.
96. The effects of development would be less apparent in the landscape from where views are typically shallow (A167 and Thinford Lane) and development would be largely screened by intervening topography and vegetation
97. A landscaping scheme has been submitted with the application and has seen revisions throughout the consideration of the application. Planting would be provided to improve screening with native woodland planting on the south, east and western sides.
98. The proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be notable longer term residual harm and particularly in respect of valued views from high ground to the south. It is therefore considered that there would be limited but not unacceptable harm to the intrinsic character and beauty of the countryside, in accordance with CDP Policy 10.

99. It is noted that Landscape officers consider the proposals would cause harm to the character and quality of the landscape, however, it is considered that this harm is primarily drawn from specific viewpoints to the south of the site and is less significant in closer proximity and from different directions. To assist in mitigating this harm the applicant has proposed additional woodland planting in accordance with the requirements of CDP Policy 40. The applicant has also agreed to a condition limiting the colour of the containerised units to a shade of green to help assimilate with the surrounding landscape. Notwithstanding this, it is considered that the proposal would be in conflict with CDP Policy 39 and Part 15 of the NPPF.

Access and Traffic

100. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
101. The site would be accessed from the C37 Road to the east via East Howle. A new private access track would be created from East Howle into the site.
102. A Transport Statement (TS) has been submitted in support of the application. The TS has identified that the construction period for the development would be approximately 12 months with the number of HGV deliveries being 10 per day (5 in and 5 out). There would be a total of approximately 1400 deliveries to the site during the 12 month construction period. During the operational period the site would only need to be visited 12 times per annum by a car or van.
103. The Highways Authority have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have requested that the Construction Management Plan be secured by condition.
104. Whilst the proposed development would generate a degree of construction traffic for the 12 month construction period it would be not be unacceptable in this location due to appropriate access and existing highway capacity. Following construction, the development would be automated and would only be attended for monitoring and maintenance purposes. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

105. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment,

as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

106. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
107. The nearest residential properties to the proposed development are East Howle Farm and East Howl travellers site approximately 300m to the south east, Cooksons Green approximately 350m to the east and Red Hall Farm approximately 630m to the south west. Metal Bridge is located approximately 1km to the east, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1km to the south.
108. Objections have been received from 24 local residents, Ferryhill Town Council and CPRE. Objectors have raised amenity concerns regarding the construction and operation of the proposed development, particularly in relation to noise, dust and light pollution. It has been suggested that the noise assessment is inadequate and should have been carried out over a longer period of time.
109. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Whilst the development would have a transformative impact the site would be viewed against the existing substation in views from the south and additional planting is proposed to lessen the visual impact. Given the existing screening and limited impact to residential properties it is considered that the visual impact of the site in terms of amenity would not be unacceptable.
110. An Assessment of Acoustic Impact was submitted in support of the application. This provides baseline data including background noise assessment for the site. Predicted noise levels for the proposed development have then been considered against existing background levels at the nearest noise sensitive properties. This has demonstrated that during daytime operation there would no increase at any of the nearest properties but there would be an exceedance of background levels by 1-3dB during night time operation at 4 properties. Discussions with the Councils Environmental Health team during the consideration of the application concluded that, given the very low night time background levels for the site, an exceedance of 3dB would be acceptable in this case.
111. The proposed development has very limited potential to create any dust or light pollution impacts. The heating and ventilation systems for the batteries have the potential to create noise but this is mitigated by attenuation measures on the plant and

by the surrounding acoustic fencing. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential noise nuisance or air pollution. Officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, lighting, access, routeing and community liaison amongst other matters.

112. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, dust, vibration or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

Land Stability and Contamination

113. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
114. The site is within a mixture of Low Risk and High Risk Coalfield Development Areas. A Coal Mining Risk Assessment has been submitted in support of the application, which considers legacy mining issues in relation to the proposed development. The assessment advises that intrusive investigation works be carried out prior to the development being carried out. The Coal Authority have been consulted on the application and raise no objection agreeing with the conclusions of the submitted risk assessment. Conditions are recommended to ensure the intrusive investigation and any remediation works are carried out.
115. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. No conditions have been recommended but an informative has been suggested to provide advice to the applicant in the event any unexpected contamination is found during construction works.
116. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

117. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from

contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

118. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
119. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
120. The application is accompanied by a Flood Risk Screening and Drainage Management Plan, which includes a flood risk assessment (FRA). The FRA identifies that the application site is located entirely within Flood Zone 1 and is deemed to be at low risk of flooding. A sustainable drainage strategy, involving the implementation of SuDS in the form of a swale to the west of the site, is proposed for managing the disposal of surface water runoff from the proposed development on the site. The runoff rate would be restricted to the pre-development level, which is 11.15 litres per second. Permanent and temporary foul drainage would be discharged into a sealed cesspit and emptied when required.
121. Drainage and Coastal Protection officers have considered the submitted details and raised no objections but have advised that a discharge consent would be required. An informative would be included as part of any planning permission to remind the applicant of the need to obtain this consent. The Environment Agency has advised that a cesspit is least favourable means of managing foul sewerage but has raised no objections to the proposals. Northumbrian Water has made no comments on the development as it would not connect to their network. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

Ecology

122. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the

benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.

123. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
124. Objectors to the proposal have raised concerns the development would be harmful to local wildlife.
125. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes an Extended Phase 1 habitat survey habitat condition survey, species scoping survey, Great Crested Newt survey, eDNA survey and a late breeding bird survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
126. The assessment concludes that a total of 14 habitat types were noted during the Phase 1 habitat survey. The main impacts during the construction phase include the direct loss of habitat under the development footprint and indirect loss of habitat due to noise and vibration disturbance, dust and water pollution. The loss of these primarily intensive agricultural habitat areas is assessed to be of negligible significance to nature conservation interest within the local area.
127. Mitigation measures have been suggested as part of the application including new native woodland creation, species rich grassland, hibernacula and bird, mammal and invertebrate houses/boxes which would see the potential of the site to support local wildlife increase. The development is therefore likely to lead to a positive effect on a number of protected or priority species during the operational phase.
128. The applicant has also supported a biodiversity net gain assessment with supporting metric, which confirms that the development would deliver 24.68% habitat units and 70.51% hedgerow units. A biodiversity management plan has also been submitted in support of the application.
129. Ecology officers have considered the proposals and raised no objections subject to appropriate long term management of the site. It is recommended that the biodiversity enhancement would be secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain.

130. The proposed development would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed development would not impact upon any nationally or locally protected sites or species. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

131. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
132. There are no public rights of way within the site boundary. Footpath No. 4 (Ferryhill Parish) is located approximately 190m to the west of the site, Footpath No. 9 (Ferryhill Parish) is located approximately 180m to the south and Footpath No. 3 (Ferryhill Parish) is located to the immediate east of the site boundary. Access to the development would need to cross Footpath No. 3 close to East Howle.
133. Access and Rights of Way officers have considered the proposals and raised no objections. Officers did raise some concerns regarding construction traffic crossing Footpath No. 3 and amenity impacts from noise and visual impact to footpaths surrounding the site. However, confirmation was provided that the site would be subject to a Construction Management Plan which would include signage and management of traffic crossing the footpath and that noise and visual impact from the site would be controlled and mitigated through planting and acoustic shielding.
134. Subject to the submitted landscaping plan being implemented it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

135. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
136. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and,

where appropriate, better reveal the significance and understanding of heritage assets.

137. No designated or non-designated heritage assets are located within the site. The Grade II Listed Manor House including Cottage, Piers and Statue, Grade II Listed Gateway and Wall Attached South of Manor House, Grade II Listed East Howle and Crossings War Memorial, Grade II Listed War Memorial and Grade II Listed Walton Memorial are located approximately 1.2km to the south of the site in Ferryhill. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 1.7km east of the eastern site boundary. The Grade II Listed 53, The Green, Grade II Listed West Cornforth War Memorial, Grade II Listed Church of the Holy Trinity and Grade II Listed Walls, Piers, Gates and Railings east of Church of the Holy Trinity are all located approximately 1.8km to the east in Cornforth.
138. A Heritage and Archaeology section has been included within the Planning Statement submitted in support of the application. This assessment provides a brief consideration of designated heritage assets in the vicinity of the site and notes that a geophysical survey of the site has been carried out. The assessment concludes that it is not anticipated that the project would have any material effect on any designated heritage assets or, where relevant, their settings due to distance and the proposed landscaping and planting works. The geophysical survey indicates that the majority of the site is devoid of archaeology apart from former field boundaries, however, the disturbed ground to the south east that forms part of the site access may include remains of wagonway sidings and possible structural remains associated with the former East Howle Colliery.
139. Design and Conservation officers have considered the proposal and heritage assessments and agree with the conclusions that the development would have no harm to the significance of designated heritage assets. Archaeology officers have raised no objections to the proposals subject to further site investigation through trial trenching. Officers have agreed that the trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
140. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed development would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural Land

141. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
142. The proposed development would occupy approximately 4.2 hectares of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The study area covers an area of 9.3 hectares, including a buffer around the application area. The assessment includes a desktop study and fieldwork analysis with the conclusion that 0.7 hectares of the development area is Grade 3a (best and most versatile) and the remaining 3.5 hectares are classed as Grade 3b. In this case 82% of the site is not comprised of best and most versatile land.

143. Objectors have stated that the development would result in the loss of greenfield, agricultural land and that it should be located elsewhere on allocated industrial or brownfield land.
144. Although the impact to best and most versatile land is small the test set out in CDP Policy is still engaged and an analysis of the benefits of the development compared to the loss of agricultural land should be considered.
145. The application site, as a whole, is used on rotation for production of barley for cattle feed and oil seed rape for biofuel production. A specific income value for the crops is not provided as this fluctuates and would, in addition, be difficult to quantify for the specific area classed as best and most versatile.
146. The proposed development would provide the landowner with a significantly increased income allowing for further investment in the agriculture business. The development would play an important role in balancing the generation and demand on the national grid network and would, in turn, allow for more renewable energy generation systems like wind and solar to be developed as the storage solution solves the problem of intermittent generation. The development would also provide additional energy security for the UK with less reliance upon imported energy.
147. The development would provide biodiversity net gain through additional planting and habitat creation. Finally, the development would be subject to business rates equating to approximately £150,000 per annum.
148. Although the development would remove a small portion of land from arable use it is considered that the benefits of the development as set out above would outweigh this loss. The proposed would therefore not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

149. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
150. The application site is currently comprised of an agricultural field. On the periphery of the site there are electrical substations to the immediate north and across the A688 to the north west and in the wider context there are the settlements of Hett, Spennymoor, Metal Bridge and Ferryhill. Significant development has occurred in recent years at Thinford to the west and Tursdale to the east, in particular the development of the Integra 61 site has created a significant landscape and use change for the area. Development is currently under way for a battery storage development to the north west of the site adjacent to the existing substation.
151. The proposed development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising from the existing substations and recently approved Battery Storage (DM/16/02869/FPA) facility. The level of cumulative impact and overall perceptions of the change in the character of the landscape has the potential to be notable especially in the short-medium term until any landscape proposals became

established, although there is likely to be residual harm. These effects are likely to be particularly felt along Thinford Lane (A688) where would be some inter-visibility and/or sequential views of this developments and in wider views such as the Limestone Escarpment Ridge to the south on the edge of Ferryhill where there is likely to be some intervisibility between existing and proposed. During the construction period it is likely that visual harm would be greater and temporary impacts of additional noise and traffic would be more prominent. However, construction work at Integra 61 is focused on the north of the site, away from the proposed development and much of the approved major development in the Thinford area is likely to be completed in the coming months, minimising the potential cumulative impact from construction.

152. As described above, the proposed development would be viewed in the context of other energy developments and large-scale commercial developments. However, the proposed containerised units would be of a modest height themselves and the associated screening would bring benefits to the site, as well as limiting intervisibility between developments. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Other Matters

153. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar. Of relevance to this development is criteria c) which states that development will be permitted within the defined safeguarding area around the High Moorsely Meteorological Office radar site where it can be demonstrated that there will be no unacceptable adverse impact upon the operation of the site. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
154. To check compliance with CDP Policy 28 the requirements of the safeguarding map which has been provided only require consultation if any building, structure or works exceeded 45.7m above ground level. In the case of this development all of the structures are below 6m in height so there is no requirement for consultation and no conflict with the Policy.
155. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the CDP.

156. The development lies above a mineral safeguarding area for surface mined coal. However, as the proposed development is comprised of demountable structures / containers the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed development would not conflict with CDP Policy 56.
157. Concerns have been raised by objectors regarding the potential risk of fire or explosion from the proposed batteries and it has been suggested that they are located further away from residential properties. There is no current guidance or policy to indicate that battery storage facilities are a fire or explosion risk, or that they should be given a standoff distance from any sensitive receptors. It is for the site operator to ensure that the development is managed appropriately and the planning process should not unnecessarily restrict development.

Public Sector Equality Duty

158. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
159. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

160. Although there would be residual landscape harm in conflict with CDP Policies 10 and 39 it is considered that the benefits of the proposal outweigh this harm. The proposed battery storage facility would provide grid balancing to reduce dependence upon fossil fuel power stations and to provide support for renewable energy developments. Further benefits of the scheme include biodiversity net gain and additional planting for the site and direct employment to the construction industry. Officers consider that the proposed development would accord with CDP Policy 27.
161. Although changes have been made to the proposed development during the course of consideration of the application, it would still constitute development in the countryside resulting in landscape harm sufficient to conflict with CDP Policy 39. Efforts have been made to screen the development and from many public viewpoints the battery containers would be obscured by vegetation or topography. In more open, and distant views the site would be seen as a developed feature within a semi-rural landscape that could not be mitigated by screening. All other material considerations have been taken into account in the determination of the application and found to be acceptable.
162. Whilst it is accepted that the proposed development would have an impact to the landscape it is considered that the benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.
163. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.

164. The proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

165. That application no. DM/22/00120/FPA be **APPROVED** subject to the following conditions and completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981:

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

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

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

04706-RES-LAY-DR-PE-001 REV 7	Infrastructure Layout Plan
04706-RES-LAY-DR-PE-003 REV 1	Site Elevations
04706-RES-SEC-DR-PE-002 REV 2	Fence Details 1 of 2
04706-RES-SEC-DR-PE-002 REV 2	Fence Details 2 of 2
04706-RES-SUB-DR-PE-001 REV 2	Substation Building
04706-RES-SUB-DR-PE-002 REV 2	Grid Compliance Equipment
04706-RES-SUB-DR-PE-003 REV 2	Auxiliary Transformer
04706-RES-SUB-DR-PE-004 REV 3	Spares Storage Container
04706-RES-ACC-DR-PE-002 REV 3	Access Route to Site
04706-RES-PCS-DR-PE-001 REV 1.1	Power Conversion System and Transformer
04706-RES-SEC-DR-PE-001 REV 2	Lighting and CCTV Column
P21-2770.003 REV F	Detailed Landscape Proposals

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 27, 31, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

-A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;

-Details of methods and means of noise reduction;

-Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;

-Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

-Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

-Designation, layout and design of construction access and egress points;

-Details for the provision of directional signage (on and off site);

- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

4. Construction operations shall only take place within the following hours:
 - 07.30 to 19.00 Monday to Friday
 - 07.30 to 12.00 Saturday

No construction operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

5. No development shall commence until;
 - A scheme of intrusive investigations has been carried out by a competent person and submitted and approved in writing by the Local Planning Authority;
 - The approved scheme is carried out on site to establish any risks posed to the development by past shallow coalmine workings; and
 - Any remediation works and/or mitigation measures to address land instability arising from shallow workings, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

Reason: To ensure the development is not at risk from instability due to former coal workings in accordance with County Durham Plan Policy 32 and Part 15 of the NPPF.

6. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the development is not at risk from instability due to former coal workings in accordance with County Durham Plan Policy 32 and Part 15 of the NPPF.

7. The development shall be carried out in accordance with the submitted flood risk assessment. The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to commencement of operations of the development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

8. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details. All containerised units shall be finished in a green colour, the precise detail of which is to be agreed in writing with the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

9. Prior to the commencement of development, a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

10. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

11. In the event that the battery storage facility is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to

and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

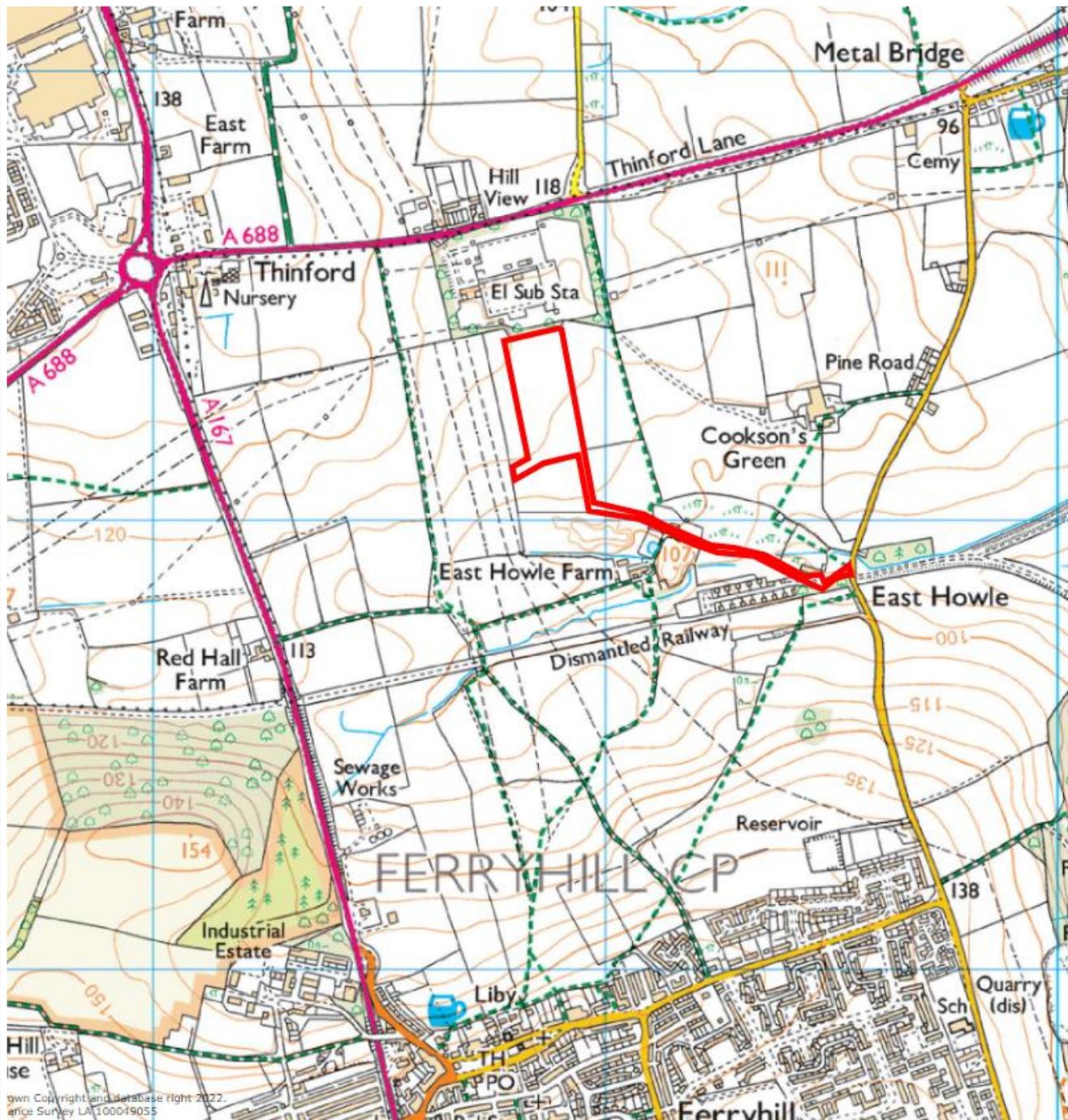
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



 <p>Planning Services</p>	<p>DM/22/00120/FPA Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works at Land South of Spennymoor Electricity Substation, Thinford Lane, Thinford</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date August 2022</p>	<p>Scale Not to Scale</p>

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