



County Planning Committee

Date Tuesday 7 March 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 February 2023 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/22/01769/FPA - Land East Of Edge Lane, Maiden Law, DH7 0RY (Pages 13 - 48)
Installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), battery storage facility, electrical substation and associated infrastructure
 - b) DM/22/03248/FPA - Belmont Church Of England Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP (Pages 49 - 98)
Construction of a new two-storey primary school building, a three-storey secondary school building, and a one-storey, double-height sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block (Amended description)

- c) DM/22/03374/RM - Land to the south of Puddlers Corner Roundabout, Genesis Way, Consett (Pages 99 - 120)

Submission of reserved matters (layout, scale, appearance and landscaping) in relation to the construction of new Community Hospital and associated energy centre of DM/22/01630/VOC (mixed use scheme) and submission of details pursuant to conditions 5,7,9,10,11 and 12 of DM/22/01630/VOC relating to Construction management plan, site investigations, drainage details, noise, and engineering details of internal roads

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

27 February 2023

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 7 February 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors D Boyes, J Higgins, M McKeon, P Molloy, K Shaw, A Simpson, S Wilson, S Zair, P Heaviside (substitute for A Bell), E Peeke (Substitute), L Brown and D Oliver

Also Present:

Councillor J Atkinson

1 Apologies

Apologies for absence were received from Councillors A Bell, C Hunt, P Jopling and C Martin.

2 Substitutes

Councillors P Heaviside, D Oliver, E Peeke and L Brown were present as substitutes for A Bell, C Hunt, P Jopling and C Martin respectively.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 6 December 2022 were agreed as a correct record subject to the following amendment;

The Planning and Development Manager referred to the issues on residential amenity which Officer's had determined to be acceptable and advised that Members could give some weight when determining the application, to the height of the chimney and the perceived impact of having a crematorium facility in proximity to housing.

a DM/22/03528/FPA - Woodham Academy, Washington Crescent, Newton Aycliffe, DL5 4AX

The Committee considered a report of the Senior Planning Officer regarding an application for a 3 storey school building and new sports building; associated landscaping, bin store, redeveloped access loop, reconfigured car parking, new accessible parking, and photovoltaic panel canopy; and temporary construction access and parking at Woodham Academy, Washington Crescent, Newton Aycliffe (for copy see file of minutes).

C Shields, Senior Planning Office gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and a summary of objections received.

The Senior Planning Officer provided an update in relation to the removal of condition 11. as a drainage scheme had since been submitted.

Councillor J Atkinson, Local Member, addressed the Committee to confirm his support of the application.

Although registered to speak, the Agent, Ms M Dychala, declined the opportunity and the Deputy Head Teacher of Woodham Academy, Mr D Morgans addressed the Committee in support of the application.

Mr Morgans confirmed that the school had been built in 1970 and with various challenges due to the constraints of the building and some flooding issues, it was at the end of its lifespan. The school wanted to provide a modern, attractive learning environment which would also reduce the £50,000 per year maintenance budget as well as reducing the carbon footprint. He advised that it was important for work to commence on the proposed start date to allow a transition to the new building for the start of the academic year 2024-25. It was an exciting opportunity that would benefit generations to come, and he requested that Members issue a positive determination.

Councillor Zair was in support of the application and referred to the positivity of new buildings in education. He moved approval of the recommendation, which was seconded by Councillor McKeon.

Councillor Boyes also supported the application and was pleased to see former new towns thriving.

Councillor Molloy referred to the importance of investing in the next generation and wished the school success for the future.

Resolved

That the application is APPROVED subject to the conditions outlined in the report and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development.

b M/22/02346/FPA & DM/22/02347/LB - Police Headquarters, Aykley Heads, Durham, DH1 5TT

The Committee considered a report of the Senior Planning Officer regarding an application the demolition of a listed police telecommunications mast at Police Headquarters, Aykley Heads, Durham (for copy see file of minutes).

L Ollivere, Senior Planning Office gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site, photographs of the mast in situ and a summary of objections received.

Councillor E Ashby, of the City of Durham Parish Council, addressed the Committee on behalf of the Parish Council, to oppose to the application and endorse the recommendations.

The mast had been identifiable to residents of the City as part of the skyline since 1965 until early 2000's before being Grade II listed in 2003. The Council had highlighted the significant architectural value of the structure and she referred to description in the structures listing.

This application attempted to justify demolition by providing financial analysis to suggest that any other option would impact on frontline services. Councillor Ashby reminded Members that a firm undertaking had been given in 2012 for the re-erection of the mast and furthermore it had been considered a viable financial option. It was important to remember that this scheme had enabled the development of an additional 18 houses on the site, for which Durham Constabulary had received significant financial payment. Any financial consequences should have been considered at the planning approval and project implementation stages of both the housing development, and erection of the new Police Headquarters.

Councillor Ashby confirmed that the loss of the mast would not only fail to sustain the significance of the heritage asset itself, but also impact on its contribution to the setting of the Durham City Conservation Area, World Heritage Site and the character of the Aykley heads site. This would be a substantial loss and it could not be outweighed by public benefits or any other material considerations. The Officers had recognised that the application was contrary to local and national planning policies and the

Parish Council urged members to support the recommendation and refuse the application.

G Ridley, Assistant Chief Officer, Durham Constabulary and Chief Finance Officer, Police and Crime Commissioner confirmed that he accepted the historical significance of the mast and detrimental impact of the application. However he continued that £200k had already been spent on removing the mast and investigating its condition to have it re-erected, despite it having no practical, commercial, sentimental or operational value for the force. The NPPF advised that applications which caused substantial harm to a designated heritage asset should be refused unless the harm was outweighed by substantial public benefits.

Mr Ridley advised that the planning application and supporting documents set out how these tests were met and described in planning terms the balance of harm to the mast versus benefits associated with the forces use of money.

Durham Constabulary were faced with high rates of crime which was a challenge to manage with a below average level of Council Tax in Durham. They were also facing similar issues to the rest of the public sector regarding pay awards and inflation, and they were not awarded money to invest in fleet, technology, or buildings. Despite their outstanding level of efficiency, Mr Ridley confirmed that there was limited scope for cash savings to be used and if the cost of re-erecting the mast was compared with the Council's budget, he projected it would be around £2-3m.

Durham Constabulary was required by the Home Office to maintain a specific level police officers which was difficult when faced with unfunded pay awards. Police Officers had a level of protection as Officers of the Crown and therefore a decision to reduce staffing by 10% had been taken with vacancies remaining unfilled. This equated to the loss of 120 jobs over the next two years and unfortunately impacted on PCSO recruitment. Mr Ridley advised that if forced to pay for the re-erection of the mast, they could be forced to suspend the recruitment of PCSO's for over two years which in his opinion would undermine community engagement and reduce visible policing within communities.

Finally, Mr Ridley confirmed that ongoing dialogue had been taking place with Planning Officers regarding the development of a landscaping scheme and he had been surprised and disappointed that Officers had recommended the application be considered at Committee for refusal. He suggested the application be deferred to reach a compromise with Officers.

Councillor Brown advised that she was a member of the City of Durham Parish Council. She referred to the damage caused by removal of the

structure and queried whether the demolition plan had been followed. Mr Ridley confirmed that the plan had been followed, however during the process part of the mast had been damaged, referred to as the key stone. Brackets had to be added for stability when moving the structure and to repair the mast, the key stone would need to be recast.

In response to a question from Councillor McKeon regarding the discussions and landscaping plan, Ms R March, Head of Estates at Durham Constabulary advised that the proposal for the scheme had been suggested by the City of Durham Parish Council, which included the creation of a monument and a public space, rather than formal re-erection. She confirmed that they had recently started the process of securing Architects to work on this project.

Councillor Wilson asked whether Durham Constabulary were pursuing contractors through their insurance for the damage caused when the mast was being taken down. Ms March advised that during the tender process very few contractors had been willing to engage and the Contractor who had come forward had advised of the risks associated. The structure had never meant to be dismantled and the key stone had to be broken with brackets manufactured to lift it safely. Throughout the process the Contractor had engaged with them and had been fully transparent about the risks, therefore there was no option to pursue any action against them.

Councillor Peeke queried the whereabouts of the money which had been received for the development and should have been set aside for re-erecting the mast. Mr Ridley advised that the force had received a capital receipt for the sale which had been spent over the last twelve years to maintain service delivery. There had been unexpected austerity and increased inflation over the years and the cost of dismantling the mast had been higher than expected. Furthermore, in twelve years the force had lost 480 police officers and allocated money to recruit only 226, therefore this money had been used to fund service delivery.

Councillor McKeon queried the storage conditions of the mast and asked why a Grade II listed structure would be stored outside in a field if there had been an intention to re-erect it. Ms March advised that the stone had been laid down as the only safe solution following engineering advice. Prior to being dismantled it had been outdoors for fifty years and it had not deteriorated further due to its storage conditions.

Councillor McKeon suggested that laying it down would increase its exposure to moisture. She had listened to the argument that it would have been re-erected had it not been for the costs associated but suggested it would have been stored in a more sensitive way if there had been an intention to re-erect it. She reminded Ms March of the condition set out in the original planning consent, for which the force received a capital receipt.

Ms March confirmed that Durham Constabulary had followed advice from a Structural Engineer as to the storage conditions. It had been covered with tarpaulin for protection but they had advised that this would not have any benefits.

Councillor Higgins queried the reason that the increased cost of dismantling the structure had fallen on the force if a tender had been accepted. Ms March confirmed that the cost of dismantling the structure had not increased, but once its condition had been examined, costs had spiralled due to having to re-cast the key stone. Councillor Higgins referred to the presentation from Mr Ridley who had advised that the costs of dismantling the mast had increased. Ms March confirmed that the increased costs that were referred to, were applied after the mast had been dismantled as more thorough investigations had to be undertaken. This was also demonstrated by the amount of time it had taken for this application to be submitted.

Councillor Molloy noted that not all sources of funding had been explored and he asked what funding had been pursued to mitigate the cost to the Police. Ms March advised that they had worked with Council Officers to investigate funding sources as outlined in the report, however the project had not met necessary criteria. They were still open to considering alternative options that the Council were aware of, hence the reason for seeking a deferment.

Councillor Peeke referred to the money received for the development of the site and was interested in how long it had been set aside for re-erecting the mast, before being spent. Mr Ridley confirmed that money had not been specifically held for re-erecting the mast however a block of capital had been received and reinvested as a result of losing police officers and staff.

Councillor Boyes queried whether there was a timescale that would allow the Police to pursue alternative options and return to Committee with a solid plan. Mr Ridley advised that it had been expected in one to two months.

Councillor Wilson queried whether the capital receipt had been used to pay wages or for other uses. Mr Ridley confirmed that £1.2m had been spent on fleet vehicles, and in excess of £4-5m on ICT as systems. The force was not permitted to spend capital receipts on staff wages.

The Senior Planning Officer advised that from the paperwork she had considered, Lottery funding had not been fully explored. She acknowledged the financial implications and appreciated the decision to spend capital, however a contingency should have been put in place.

The Senior Planning Officer advised that she had attended a meeting with regards to the public art feature, however these plans still amounted to the demolition of a listed structure and the Council would not support this on the basis of heritage and design impact. If the Committee were minded to approve demolition, a condition could be added to secure a scheme for dealing with the dismantled parts of the mast.

Councillor Wilson queried whether the Council could work with the Police in an agreed timescale as he was concerned about the impact on communities and the level of public harm.

N Carter, Planning Solicitor summed up the three options. There was an option to refuse as per the recommendations outlined in the report. The Committee could not approve demolition as there was an objection from a statutory consultee therefore if the Committee were minded to approve its demolition, the decision would have to be referred to the Secretary of State to consider whether it should be called in. The final option was to defer the application however he was not convinced that this was a realistic option. The proposal to turn the structure into public art would follow on from the decision as to whether it could be lost or not.

The Planning Solicitor continued that if refused, the Applicant could appeal, but there was nothing stopping the Council from continuing dialogue in terms of how the Applicant could be supported. He advised that there were however outstanding breaches of planning control and enforcement action could follow the decision of the Planning Committee.

Councillor Wilson moved the recommendation for the reasons outlined in the report.

S Reed, Planning Development Manager advised that this was a retrospective application, work had already been undertaken and it was in breach of planning requirements. Where an application was refused, Planning Officers tended to provide a limited period to see if a solution could be reached and prevent expensive legal action, however given the timescales, he would expect movement from Durham Constabulary to be extremely time limited.

Councillor Brown advised that the mast lay within her ward and she referred to the current photograph of the mast and likened it to someone knocking down the Cathedral. This was an iconic listed structure and until 2012 remained on the skyline. Money should have been earmarked, this was in breach of a condition and she seconded the motion to refuse the application.

It was determined that Councillor Boyes did not have an interest to declare as a Member of the Police and Crime Panel, based on the lack of crossover

with operational matters. Councillor Boyes confirmed the similarity between the mast and Pasmore's Pavilion in East Durham. He advised that a recent report had been circulated regarding the pressures on the Police and Crime Commissioner budget due to the impact of inflation and the cost of living, combined with reduced government grants and low provision from Council Tax. He referenced the reduction of front line officers and impact on the recruitment of PCSO's and suggested that the item be deferred. Councillor Boyes was unsure of the reason the report had been presented to Committee at this time and suggested that it should have been delayed until a plan had been received from the Police. Although a listed structure, it was damaged and he would have preferred the application to be accompanied by a viable plan.

Councillor McKeon noted that the landscaping plan was invalid in terms of the application because it would still require the structure to be demolished. She supported the recommendations and suggested that if a developer had attended Committee with similar circumstances, they would not take it lightly. Whilst she understood that they were not dealing with a profitable organisation and sympathised with the unfair budget constraints which had been mentioned, they were not a planning consideration, particularly when a capital receipt had been taken. The Applicant had only been given permission to build and claim the capital receipt by agreeing to the conditions and if there had been a serious plan to re-erect the mast, it would not have been stored the way it had been.

Councillor McKeon shared her concerns about budget pressures and wondered if there was any way that the Council could have the structure re-erected with all of the future cost pressures taken out of Durham Constabulary's hands. Her primary concern was saving the structure and she referred to the 20th Century Society, a campaigning organisation responsible for helping to save monuments like this. Whilst she would be supporting the recommendation, she urged Officers to assist in finding a different way forward if possible.

Councillor Higgins understood the pressures and shared concerns about the impact on staff, however the police had received capital money and should have had the structure re-erected. All organisations and businesses were under the same economic pressures however the County's heritage was important. He supported the recommendation.

Councillor Shaw advised that he was minded to support a deferment. The financial impact to Durham Constabulary outweighed the public benefit and further dialogue should take place which as indicated, would not take long.

Councillor Heaviside was disappointed by the mitigation offered, the mast had been dismantled many years ago and money had been spent, despite a commitment to re-erect it and he supported the recommendations.

Councillor Molloy suggested that money should have been set aside to re-erect the mast. In his opinion, there had been no intention to do so and it had been left on purpose. He did not believe demolishing it would result in money being directed elsewhere, amounting to better policing and safer towns across the County. It should have been re-erected in the first place and if it demolished, it would be an act of cultural vandalism. He confirmed that he was in support of the recommendations.

Councillor Zair confirmed that the structure looked like it had been dumped and if the Committee did not support the recommendation, he was concerned that this would set a precedent for other listed buildings to be destroyed. He supported the recommendation.

Councillor Boyes advised that it was listed, but this did not mean it was decent or valued and he referred to a school in Easington which the whole community wanted demolishing, despite it being listed. He confirmed that he would be happy to vote for deferment.

Councillor McKeon replied that heritage status ensured that important heritage assets would be preserved regardless of personal taste. It protected Durham Cathedral as much as it protected structures like this and she suggested that a benefit of being a Member of the Planning Committee was that they were able to enforce and protect the County's cultural and heritage assets. If this was approved, none of the County's assets would be safe.

Councillor Oliver referred to the photographs and its current state and it was not right to allow demolition therefore he supported the recommendations.

Resolved

That both applications DM/22/02346/FPA and DM/22/02347/LB be REFUSED for the reasons outlined in the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01769/FPA
FULL APPLICATION DESCRIPTION:	Installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), battery storage facility, electrical substation and associated infrastructure.
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Land East of Edge Lane, Maiden Law, DH7 0RY
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <u>chris.shields@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site of the proposed solar farm occupies an area of around 92.6 hectares (ha) and largely comprises a series of agricultural fields and areas of dense woodland (varying in width between 30-180 metres). The woodland would be retained and enhanced and serve to enclose and break up the arrangement of the proposed solar panels into a series of fields. Edge Lane runs in a north-west / south-east direction and binds the western boundary of the proposed development site. Green Lane, which runs in a broadly north to south direction, is situated to the immediate east of the site. The edge of the settlement of Burnhope is positioned approximately 200m south of the application red line boundary. An existing substation is within the defined boundary of the site and is situated to the immediate east of Lanchester Road (A6076). Edge Lane would act as the primary access point during the construction and operational phases of the proposed development. A secondary access point off Green Lane would also be used for occasional maintenance purposes during the operation phase of the solar farm.
2. The site does not lie in an area covered by any national or local landscape designations. An area of Higher Land Value (AHLV) is located immediately to the west of Edge Lane, leading down to Lanchester, known as the 'Browney Valley'.
3. The Green Croft and Langley Moor Site of Special Scientific Interest (SSSI) is located around 250m to the north of the site and Chapman's Well Local Nature Reserve (LNR) is situated to the immediate north. Burnhope Pond Local Wildlife Site (LWS) is located around 190m south/west of the site. There are no other national or local landscape designations within 3km of the proposed solar farm site.
4. The entirety of the site is within the lowest risk flood area, Flood Zone 1.

5. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Burnhope War Memorial is around 260m to the south of site, and is the closest heritage asset. Additionally, the Grade II* listed Little Holmside is situated around 1.3km to the east of the development site. Lanchester Conservation Area lies approximately 1.2km to the west at its nearest point and there are a number of listed buildings within this designation.
6. There are public rights of way within the site boundary, all of which are in Burnhope Parish. Whilst not distinguishable on the ground, the Council's Definitive Map shows that Footpath No. 24 passes through the site from the access point at Edge Lane and routes south-east into Burnhope village via Footpaths No. 25 and 28. Footpath No. 26 stems broadly in an east-west direction along the southern boundary of the main parcel of land where solar panels are proposed and links to Footpaths No. 24, 25 and 28. Situated outside the defined boundary of the site, Bridleway No. 22 and 23 run in an east-west direction between Edge Lane and Green Lane, and separate the main parcel of land where solar panels are proposed from the northern areas of the site.
7. The nearest residential properties are Morrow Edge to the east of Green Lane and Tait's House to the east of Edge Lane, which are both around 85m from the development site. The nearest settlement is Burnhope, which is located approximately 200m south of the application red line boundary. Additional nearby settlements include Maiden Law approximately 800m north-west, Quaking Houses and Stanley approximately 1km and approximately 2.5km north-east, Lanchester approximately 1.6km west, and Annfield Plain approximately 2.5km north.
8. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Areas for coal and the site is also entirely within a Coalfield Development High Risk area.

Proposal

9. The proposed development comprises solar panels arranged into linear arrays facing to the south-west. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. The proposed development site extends across 92.6 ha of land in total, with around 32 ha being occupied by the solar array panels. The layout has been amended during consideration of the application.
10. The solar panels would be mounted on a metal frame supported by pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 2.5m to avoid overshadowing from one solar panel to another. All solar arrays would be tilted at 25 degrees from the horizontal axis with a maximum height of around 3m.
11. In addition, 24 inverters and 24 transformers with adjoining switchgear substations would be constructed. The north-western corner of the site includes the 66kv substation, battery storage facility made up of six battery containers, and 12 conversion energy systems, two auxiliary transformers, storage building, monitoring and communications building with associated weather station and communications equipment, and composting toilet. The solar farm and battery storage unit would require a connection to the electrical transmission network, which would be provided by a proposed 66kV substation in the north west of the site. The substation would include a Distribution Network Operator (DNO) telecoms mast, a 50MVA transformer, access roads, a DNO compound area, a control room, a client switch house, and three parking spaces. The substation would be located within a stock fence and palisade fence, with the DNO telecoms mast being the tallest structure at around 15 meters in

height and located in the south west corner. An underground 66kv cable would extend north along Edge Lane and north-east along Lanchester Road to connect the 66kv substation to the DNO substation

12. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. The panels would also be set back from existing Footpaths and Bridleways that surround the site.
13. The solar PV installation would require supporting infrastructure including gravel maintenance tracks, transformers, switchgear substations and security systems. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. The arrays would be set within a 2m high timber and post / deer stock fence around the application site. The openings within the mesh of the stock fence, and mammal gates located throughout the fencing, would enable free movement of hedgehogs and other wildlife such as amphibians, hare and badger. CCTV cameras would be positioned to cover the site access points in order to provide security to the site and discourage unauthorised access by members of the public.
14. Four new native species-rich hedgerows and two new native species-rich hedgerows with trees would be planted throughout the site. Species-rich wildflower meadow would be planted around the footprint of the panels and the surrounding land within the site, creating large borders of diverse grassland. Two ecological enhancement areas, measuring approximately 8.16ha combined, would be created in the south east and south west parts of the site, comprising species-rich neutral grassland to provide meadow for a range of bird species.
15. The construction phase of the development would create up to 100 full time equivalent (FTE) on site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services. The construction phase would last for approximately six months.
16. The PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 14,341 tonnes of CO₂ per annum. This is the equivalent to removing around 7,908 cars from the road each year, powering over 33,138 electric vehicles per year, or meeting the energy needs of over 13,861 homes per year.
17. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
18. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

19. The site has been subject to surface coal mining (Chapmans Well, 1985) and subsequent restoration works. There is no recent planning history for the site.

PLANNING POLICY

NATIONAL POLICY

20. 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.
21. 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.
22. *NPPF - 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.
23. *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.
24. *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.
25. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
26. *NPPF - Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
27. *NPPF - 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.

28. *NPPF - Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

29. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; 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>

30. 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)

31. *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.
32. *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.
33. *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.

34. *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.
35. *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.
36. *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 Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
37. *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.
38. *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.
39. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
40. *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.

41. *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.
42. *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.
43. *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.
44. *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.
45. *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.

NEIGHBOURHOOD PLAN:

46. 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) *The Hartlepool Local Plan can be accessed at: https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan_planning_policy**

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

47. *Burnhope Parish Council* – objects to the proposal due to the development being excessively large and detrimental to local residents, impacts to wildlife and agricultural land. They are also concerned about the loss of connectivity for wildlife, possible loss of public footpaths, and the lack of evidence for job creation. The council feels that the planning gain is inadequate, given the site's scheduled 40-year use, and requests that the application be refused, but if it is approved, they ask for a larger financial benefit for residents.
48. *Greencroft Parish Council* – objects to the proposal and have stated that the need for renewable energy and sustainability must be balanced with the health and well-being of the population and surrounding nature. The proposed site is considered not to be suitable for a solar panel installation, and greenfield agricultural land should be used as a last resort. The loss of productive agricultural land will exacerbate the UK's inability to be self-supporting in food production. Previously industrialized areas, such as the one surrounding Burnhope, need to be preserved for the mental benefit of the population.
49. *Highway Authority* – has raised no objections to the proposals. Officers have confirmed that the applicant's proposal to upgrade the access to highway standards on Edge Lane as part of the solar farm works is acceptable. During the construction phase, it is anticipated that the amount of movements in and out of the access will not exceed 15 daily movements, and a transport statement and construction management plan have been prepared. The access must be upgraded in accordance with the requirements of Section 184(3) of the Highways Act 1980, and developers must adhere to The County Council of Durham Road and Street Works Permit Scheme, which permits access to the public highway
50. *Natural England* – has raised no objections to the proposals. Officers have commented that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites.
51. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections to the proposals. Officers have provided advice to the applicant in respect of flood mitigation.
52. *Northern Power Grid* – has raised no objections to the proposals. Plans have been provided showing safe digging areas within the application site.
53. *National Grid* – has advised that there are no National Grid assets that would be affected by the proposals.

INTERNAL CONSULTEE RESPONSES:

54. *Archaeology* – has raised no objections. Officers have stated that there may still be potential for archaeological remains on the site, despite geophysical survey results showing otherwise. They recommend conducting pre-commencement trial trenching to confirm the survey results and assess the potential for any remains. A standard phased works condition for archaeological work is recommended, which would allow for multiple phases of work if required. Officers have advised the client to be aware of the risk of encountering significant remains during trenching and to be willing to accept this risk.

55. *Ecology* – has raised no objections: Officers have commented that the mitigation measures for waders have been improved with a larger area designated for habitat creation and management, which meets the National Planning Policy Framework (NPPF) and Local Plan requirements for Biodiversity Net Gain (BNG) and is not expected to have any negative impact on protected species. To ensure compliance with the mitigation plan, an appropriate legal agreement should be put in place for the production and delivery of a Biodiversity Management and Monitoring Plan that outlines habitat establishment, management, monitoring, and review for a minimum period of 30 years and aligns with ecological reports and landscape plans.
56. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers note that there is a potential risk associated with land contamination and ground gas and recommend a condition to require further assessment prior to the commencement of development.
57. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Officers have commented that the Transport Statement for the construction phase of the development estimates 1,305 HGV deliveries for materials, but notes that the limited number of vehicle movements would not have a significant impact on pollutant concentrations. The Construction and Decommissioning Method Statement contains measures to manage air quality and dust issues. During the operational phase, there will be negligible trip generation and no notable emissions to air, except for limited vehicle movements associated with maintenance.
58. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Separate advice has been provided in relation to noise and glint and glare. Officers have advised that a condition be imposed to require mitigation measures set out in Section 7 of the Glint and Glare Assessment be carried out. Officers have also recommended a condition to restrict noise levels to 7dB above background during daytime hours (0700 – 2300) and 0dB above background during night time hours (2300 – 0700) for noise sensitive receptors.
59. *Landscape* – has raised no objections to the proposals. Officers have commented that the revisions to the site layout reflect some of the issues raised in discussions. The changes would have some localised benefits to landscape features and landscape character and would locally reduce visual effects on users of some sections of PROW, drivers on Edge Lane and residents on the western edge of Burnhope. However, officers remain of the opinion that the installation of solar panels within the currently open and attractive countryside site would create a major change in the visual environment currently experienced locally by receptors.
60. *Public Rights of Way* – has raised no objections but have raised some concerns. Officers have commented that the perimeter fence will be set back from the footpath, but there are concerns about the potential maintenance liability of the footpath due to vegetation growth. The proposed main vehicular access and maintenance vehicle access tracks could impact the quiet and enjoyable routes for horse riders, cyclists and pedestrians. The public rights of way have high aesthetic and recreational value, and the proposed development could result in a reduction in aesthetic quality of both the public rights of way directly affected by the proposal and the wider network.
61. *Low Carbon Economy* – supports the proposals. Officers have commented that the UK needs to increase its percentage of renewable energy installations and this development will help to achieve the medium-term ambitions of a decarbonised electricity grid, helping to reduce reliance on foreign imports of oil and gas. Solar PV is regarded as temporary development and as such can be removed if there is a need

to bring land back into arable production, however there is likely to be a biodiversity net gain if the grass is managed appropriately.

62. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify 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. Officers consider that the key determining factors will be the renewable energy and economic benefits of the proposals balanced against potential harm to the countryside, and possible surface water issues that could result from the development.

PUBLIC RESPONSES:

63. The solar farm 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 788 neighbouring properties. 466 objections and 19 letters of support have been received in response to the consultation and subsequent reconsultation.

Objection

64. Nearly all objections to the development raise impact to landscape as the main issue. This is both from views from residential properties and from public rights of way within and around the site.
65. Objectors have stated that the proposed development is not appropriate for the character, function, form, and setting of Burnhope, as it is over 2.5 times the acreage of the village and contradicts the principles and policies of the County Durham plan. The development is also not temporary and will dominate the village for longer than the lifetime of the majority of the residents. The development will also take away the opportunity for residents to walk in the beautiful countryside, which is important for their health and wellbeing, as the proposed screening will take over 10 years to grow and be rarely more than 2m in width. Furthermore, many residents are elderly and have mobility difficulties, and the proposed development will take away the only safe and level walking available, condemning them to walk on narrow paths enclosed by high fences staring at rows of steel and glass.
66. Issues are raised in respect of harm to biodiversity on and around the site, particularly birds with a suggestion that some birds may collide with the panels. It has been suggested that biodiversity value of the site would take many years to recover. The Chapman's Well local nature reserve in County Durham was created from land given by the Coal Board after opencast mining. The proposed solar development in the adjacent fields will destroy the interconnected habitat and affect the wildlife including deer, birds, and the quality of the soil. Security fencing will remove traditional pathways for transitory animals and change the nature of the local wildlife. The loss of habitats suitable for ground nesting will have a devastating impact on endangered species such as curlews.
67. The loss of farmland for food production has been raised and objectors have stated that the UK is not self-sufficient in terms of food and that this should be prioritised. Objectors have stated that the County Durham Plan does not give much attention to agriculture and food production, but it is essential to increase our self-sufficiency in food production due to the costs and complexities of Brexit and the war in Ukraine. The UK is losing over 100,000 acres of land every year to development, while yields are declining due to climate change. We import 40% of our food, and this could rapidly increase to 50%, making it costly and not readily available. The fields in the proposed

site are suitable for cereals and grass with high yields, which can be grazed or harvested over most of the year. Solar developments are taking away our farmland, which is a finite resource, and food security is critical. Instead, solar developments should be placed on the vast untapped roof space in the UK.

68. In respect of residential amenity, it has been stated that the development would be noisy both during construction and in operation and that residents would be exposed to glare once the site is operational. Residents are also concerned about safety risks from electrical equipment including radiation and the potential for fire, explosion and toxic fumes. It has been requested that if the development is permitted that noise limits be restricted.
69. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. It is suggested that coastal sites and brownfield sites would be preferable, along with installing panels on factory roofs. It is also suggested that wind turbines away from the general public and residential areas would be preferable.
70. Concerns have been raised regarding damage to greenhouses and outside structures from flying glass (presumably from damaged solar panels)
71. Several objectors have raised concerns about the safe operation of battery storage on the site.
72. Impact to house prices has been raised as an issue and queries have been made about compensation if houses devalue as a result of the development.
73. It has been stated that the proposed community fund is insufficient.
74. *Councillor Oliver (Lanchester)* – supports solar power but cannot support the proposal due to its vast size and the concerns raised by residents about the impact on the village, wildlife, and walking routes. Concerns are also raised about the lack of sufficient community benefit relative to the operator's revenue stream.
75. *The Council for the Protection of Rural England (CPRE)* – objects to the development due to concerns about the amount of agricultural land, whatever its agricultural grade, being lost to purposes such as this. In addition, it will potentially impact on the landscape (including an AHLV) and PROWs in a detrimental way. It is also stated that there is insufficient information relating to Biodiversity Net gain or Battery Storage.
76. *Royal Society for the Protection of Birds (RSPB)* – objects to the development due to the potential impact on priority bird species, including curlew, lapwing, and skylark, and notes that the proposed mitigation plan is inadequate in size and placement to sufficiently provide habitat for these birds. The mitigation areas are also not ideal for waders and lack reference to further enhancement works or long-term management plans. It is also stated that compensating measures, such as seeding the land with meadow mixture, are not realistic solutions.
77. *Durham Wildlife Trust* – objects to the proposals due to a lack of mitigation for breeding birds, lack of reassurance regarding Biodiversity Net Gain and the absence of a Landscape and Ecological Management Plan and Monitoring Plan.

Support

78. Support is offered from landowners who have explained that the soil structure across the site is poor, making it difficult to grow arable crops and that it is too wet for winter

livestock. In addition, animals kept on the site have been scared by dogs and fences/gates have been cut or left open allowing animals to escape with instances of them being knocked over on roads.

79. The majority of the support letters cite renewable energy to be the main benefit and the wider benefits that would flow from this.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLH3JWGDKE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

APPLICANTS STATEMENT:

80. Lightsource bp is a global leader in the development and management of solar energy projects. Lightsource bp work closely with local businesses and communities to supply clean, dependable and competitively priced energy, and are dedicated to securing a low-carbon future, in the UK and worldwide.
81. The proposed solar farm will make a significant contribution to increasing renewable energy generation and reducing carbon emissions in the context of a nationally and locally declared Climate Emergency.
82. Durham County Council declared a Climate Emergency in 2019 and subsequently adopted a Climate Emergency Action Plan, which commits to making County Durham carbon neutral by 2045. The application will make a significant contribution towards achieving these goals.
83. Safe, secure and low impact domestic energy supply has never been more of necessity as it is today in the face of climate change and geopolitical events pushing supplies to the brink. The UN have reiterated the message that it is truly 'now or never' to act on climate change, stressing global emissions of CO₂ would need to peak before 2025 at the latest. The solar industry and Lightsource bp are ready to act.
84. The Government have set out ambitions to deliver Net Zero and secure our energy sufficiency and they recognise the importance of solar in achieving these aims, particularly as it is the cheapest and quickest form of renewable energy to deploy.
85. The Burnhope Solar Farm will deliver a significant amount of renewable energy alongside a range of other benefits:
- 14,341 tonnes of carbon emissions avoided every year,
 - enough clean solar energy to power the equivalent of 13,861 homes,
 - the equivalent of taking 7,908 family cars off the road,
 - enabling the land to remain in agricultural use through co-use of the site with grazing opportunities,
 - contributing to the future and long-term viability of the landowners, all of whom are local farmers,
 - Contribution of £500,000 towards the local community through the provision of a Community Benefit Fund, with an investment structure that ensures access to funds exists in perpetuity,
 - planting of new hedgerows, trees and shrubs,
 - securing a range of ecological enhancements including an 80% biodiversity net gain.

86. Solar is a tried and tested passive technology which doesn't produce any harmful by-products and importantly the application seeks planning permission for a temporary period. At the end of the projects operational period the land can be returned to its current agricultural use with panels and associated components removed and recycled.
87. Lightsource bp held a public consultation event in April 2022, with approximately forty members of the public attending. In general, the local community supported the principle of renewable energy, however, there were concerns regarding the visibility of the project, impacts on public rights of way and ecology and local employment opportunities. These were considered and responded to through the course of the application process and included the removal of panels from the field which is closest to the boundary of Burnhope.

PLANNING CONSIDERATIONS AND ASSESSMENT

88. 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 and visual impact, access and traffic, residential amenity, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, cumulative impact, safeguarded areas, community fund, other matters and public sector equality duty.

Principle of Development

89. 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.
90. 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.

91. In light of the 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

92. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
93. 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. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
94. 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.
95. The development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.

The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to generate renewable energy and it would therefore be inherently resilient to the impacts of climate change.

96. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 97. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
- 98. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.

Landscape and Visual Impact

- 99. 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.
- 100. 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.
- 101. 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.
- 102. 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.
- 103. The site lies in the West Durham County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area. It lies in the Browney Uplands Broad Character Area which belongs to the Coalfield Upland Fringe Broad

Landscape Type. The south-west area of the site is made up of Sub Type Reclaimed Land (High ridge & valley farmland: walled pasture Local Landscape Type). The central and northern area are made up of Sub Type Reclaimed Land (High ridge & valley farmland: wooded pasture Local Landscape Type).

104. The site is not covered by any national or local landscape designations. The site does not lie in an area identified in the County Durham Plan as an Area of High Landscape Value (AHLV). Trees within the site are not covered by a Tree Preservation Order (TPO).
105. The site comprises agricultural fields, bounded by ditches, hedgerows and belts of woodland. Existing fields could potentially be grazed by livestock but would be visually concealed by solar panel installations, associated buildings and infrastructure over an operational period of 40 years. The development would require access roads for inspection and maintenance which would require the removal of a 4m section of hedgerow from the mid-south section of the site.
106. The site currently comprises small to medium wooded and walled pastoral fields, which form a rural landscape, intercepted by public rights of way and farm access tracks. The change in appearance from rural fields to a fenced solar installation comprising the above constructed elements has the potential to bring about significant adverse and temporary landscape effects locally.
107. The LVIA concludes that the landscape of the site and surrounding area is generally of medium sensitivity and that the magnitude of change would be high resulting in moderate adverse effects. These effects would be considered significant, particularly in the early stages of the development but would ultimately be temporary and have the potential to reduce over time due to the establishment of landscape planting. It is also a consideration that a solar farm would be transformational in terms of landscape character cumulatively and depending on the locations of other solar farms there could be potential landscape effects on the wider county and national character areas.
108. The County Durham Landscape Value Assessment (2019) indicates that the land within the site is typical of the landscape unit known as 7a xiv Chapman's Well character area. Contributors to landscape value within this sub-area are assessed by consideration and judgements on the following attributes: Landscape condition: medium, Scenic quality: medium Rarity: medium, Representativeness: medium, Conservation interests (natural): high, Conservation interests (historic) low to medium, Recreational value: high, Perceptual aspects: low to medium and Cultural associations: not assessed. The results of the 2019 assessment confirm that the landscape within and surrounding the site does have some special qualities of value.
109. The south-western areas of the site are visible from Edge Lane, which forms the south-west site boundary. The existing woodland plantation opposite Tait's House currently screens the site. Considering the proposed 40 year operational period, the longevity of this plantation in its current state should be given reduced weighting, as felling of the trees would create an open aspect akin to the rest of the land adjoining Edge Lane, which would increase the visibility of the wider proposed site. The site is currently visible in varying degrees due to the undulations in the road levels which form crests, making the site more visible to receptors. There are sequential views of the site when travelling along Edge Lane in both directions.
110. The site is visible at close range from the public rights of way which pass through the site. These routes include Public Bridleway 22 (Burnhope Parish) from Edge Lane to Green Lane past Morrow Edge farm. The proposed site is visible with close range and sequential views to the north-west and south-east. Public Bridleway 23 (Burnhope

Parish) runs parallel to and south of Bridleway route 22 offering close range views of the site mainly to the south but also to the north due to gaps in adjacent woodland. Public footpath 21 (Burnhope Parish) approaches the site from the north offering sequential views of the north-west edge of the site. Public Footpath 24 (Burnhope Parish) connects Edge Lane with land to the south-east and passes through the site to connect with Burnhope and to public footpaths 25, 26 and 28 (Burnhope Parish) located to the north-west of Burnhope. These routes offer close range and more distant views of the proposed site. Public Footpath 38 (Burnhope Parish) is located on higher ground and potentially offers views of the site to the south-west. Public Footpath 2 (Lanchester Parish) emerges from land to the south-west onto Edge Lane and the proposed site is visible from this location.

111. Chapman's Well Local Nature Reserve (LNR) is situated to the north of the site and the site would be visible to receptors within this area. Burnhope Pond Local Wildlife Site (LWS) is located to the south of the proposed site and the site would also be visible to receptors within this area.
112. Residences outside of adjacent settlements from where the site could be visible include Chapman's Well Farm to the north-west of the site, Morrow Edge Farm and Bank Top Cottage to the north and within the site and Stream Valley Farm to the east of the site.
113. There are intervening hedgerows between the north-western edge of the village of Burnhope and some areas of the site would be visible from this adjacent settlement, particularly during the winter months. Areas within the centre of the site are visible in distant views from settlements on the higher ground to the north and north-west for example around the A6076 North of Maiden Law, Annfield Plain and Harelaw. These are distant views and relatively small areas of the site are visible as distant elements from a small number of locations. This is due to visual containment from plantations and variations in topography within the site and the surrounding landscape.
114. The LVIA concludes that '*a number of sensitive residential, recreational and road receptors could experience major to moderate adverse effects from the development particularly in the short-term... However, it should be noted that these receptors are all either within, adjacent to or near to the site. The new planting mitigation will assist with reducing these effects in the long-term.*' The extent of landscape mitigation proposed would without doubt screen and filter the development from local sensitive receptor locations in the longer term following the establishment of the vegetation at approximately 7 to 10 years after planting.
115. Landscape officers have stated that the site, as an area of attractive countryside, offers open and unimpeded views from receptor location such as rights of way and these views contribute to the visual, residential and general amenity of the locality. The proposals to install solar panels within these open views followed by the creation of an enclosed network of rights of way would create a major change in the visual environment currently experienced locally by receptors, which would be detrimental and should be considered within the planning balance.
116. To mitigate against landscape and visual impacts additional tree, shrub and hedgerow planting has been proposed. In the long term this would make some localised contribution to the conservation and enhancement of the local landscape and these measures could be secured by an agreement under Section 39 of the Wildlife and Countryside Act 1981.
117. The visibility of the development within the immediate locality, and therefore its effects on the character of the local landscape, would be reduced over time by a combination

of tailored management of existing trees and hedges and the planting of new trees, hedges and native shrubs which would help integrate the proposals with the surrounding area. It would also reinforce the existing landscape framework and enhance character to a lesser degree. The time taken to achieve this would vary. In some cases, allowing hedges to grow taller would be effective in a few years, in other cases where new planting is proposed it would take longer – particularly from footpaths crossing the site and elevated sections of Edge Lane. In some views mitigation measures would have a negligible effect.

118. The proposed site does not lie within an Area of Higher Landscape Value (AHLV) and comprises reclaimed land that now forms pastoral fields, flanked by hedgerows and woodland plantations which create an appealing landscape composition. An AHLV does, however, lie to the immediate west of the site. The proposals include landscape and visual mitigation, to compensate for the change brought about by the proposed solar farm and to facilitate visual screening, ultimately resulting in a more industrial and enclosed landscape character which would be transformational, given the existing baseline landscape. The proposals would be more noticeable locally and would be detrimental to visual amenity due to a loss of rural views and this would be harmful to general amenity.
119. The land within the development site forms an attractive area of countryside and the proposed development would give rise to some changes in character with adverse effects, with the potential to reduce over time. There would be adverse effects on visual amenity and general amenity. However, additional areas of planting would be created and all existing recreational routes within the site would remain open. 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.
120. It is noted that Landscape officers consider the proposals would have an impact to visual amenity, particularly from local and recreational viewpoints but this is not unusual for a development of this scale. The proposed location on a relatively flat and raised position within the wider landscape would limit the impact of such a development. To assist in screening the development the applicant has proposed additional woodland planting and the protection and enhancement of hedgerows within the development site. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

Access and Traffic

121. 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.
122. The construction access for the site would be from Edge Lane on the western side of the site and there would be an additional maintenance access from Green Lane to the north east of the site.
123. A Transport Statement (TS) has been submitted in support of the solar farm application. The TS has identified that the construction period for the development would be approximately 7 months with a typical maximum number of HGV deliveries being 15 per day (15 in and 15 out). There would be a total of approximately 1355 deliveries to the site during the 7 month construction period. This is likely to be similar

for the decommissioning of the site. During the operational period the site would only need to be visited 10-20 times per annum by a car or van.

124. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have advised that the site access from Edge Lane must be upgraded and constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980 should planning permission be granted.
125. Whilst the proposed solar farm would generate a degree of construction traffic for the 7 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway.
126. 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

127. 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).
128. 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.

129. The nearest residential properties are Morrow Edge to the east of Green Lane and Tait's House to the east of Edge Lane, which are both around 85m from the development site. The nearest settlement is Burnhope, which is located approximately 200m south of the application red line boundary. Additional nearby settlements include Maiden Law approximately 800m north-west, Quaking Houses and Stanley approximately 1km and approximately 2.5km north-east, Lanchester approximately 1.6km west, and Annfield Plain approximately 2.5km north.
130. 466 objections have been received in response to the proposal including responses from the Burnhope and Greencroft Parish Councils. Many of the objections raise the issues of noise, glint and glare and visual impact.
131. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact assessment. The assessment identified where there was potentially an impact to receptors from the development and modifications were made (pre-submission) to either remove areas of solar panels or to provide mitigation planting. Following revisions the risk of impact to residential receptors was reduced to none.
132. A Noise Impact Assessment has been submitted in support of the application. The report assesses the potential noise impact of the development on nearby noise-sensitive receptors, using the British Standard 4142:2014+A1:2019 methodology. The assessment finds that the development would generate noise levels that are typically equal to or below existing background sound levels and would not cause any observed adverse effect on behaviour, attitude, or other physiological responses. Therefore, the development meets national policy requirements and should not be constrained by noise, provided it is constructed and operated according to the assumptions of the report.
133. 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 still retain green space and additional planting is proposed to lessen the visual impact. Given the existing screening and impact to a limited number of residential properties it is considered that the visual impact of the site in terms of residential amenity would not be unacceptable.
134. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers have, however, recommended a condition to control noise levels from the site. This would require the rating level of noise emitted from fixed plant/machinery on the site to not exceed the background (LA90) noise levels as detailed within the Noise Impact Assessment, at 1m from the façade of any noise sensitive receptor, by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.
135. 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, odour, 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.

Contamination

136. 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.
137. A Preliminary Risk Assessment has been submitted in support of the application. This assessment concludes that there may be possible sources of contamination associated with backfilled sandstone quarry in the north of the site. The proposed solar farm development is considered to be of low sensitivity with respect to Human Health, therefore the risk from any ground contamination is considered to be low. Risks to groundwater are also considered to be low given the relatively low environmental sensitivity of the site. The backfilled quarry and shallow mine workings/ entries are potential sources of ground gas which will need to be assessed as part of a ground investigation.
138. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination
139. 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

140. 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.
141. 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.
142. 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.

143. The site is located entirely within Flood Zone 1. The impermeable area created by the development is small relative to the site area and will only have a small impact on the runoff rates from the site. A Sustainable Drainage System (SuDS) scheme, including a swale system, has been proposed to reduce the runoff rate to less than the undeveloped rates. The submitted Surface Water Drainage Scheme concludes that the proposed development is appropriate in Flood Zone 1 and with the recommendations adopted, the capacity to manage surface water runoff from the development onsite without causing a detrimental risk to the groundwater is possible.
144. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk in but have not specifically commented on the information provided in the application. Notwithstanding this, it is considered that submitted FRA and flood mitigation measures would meet with policy requirements. It is therefore considered that the proposed solar farm 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

145. 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.
146. CDP Policy 25 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.
147. 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.

148. The Green Croft and Langley Moor Site of Special Scientific Interest (SSSI) is located around 250m to the north of the site and Chapman's Well Local Nature Reserve (LNR) is situated to the immediate north. Burnhope Pond Local Wildlife Site (LWS) is located around 190m south/west of the site. There are no other national or local ecological designations within 3km of the proposed solar farm site.
149. 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 a Phase 1 habitat survey, breeding bird survey and eDNA survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
150. The site does not have ponds and the adjacent ones have negative or inconclusive results for Great Crested Newts (GCN). However, there is evidence of amphibians present within the zone of influence, and they could use the limited suitable habitats on the site terrestrially. The proposals would not impact upon local protected and notable amphibians species. With the addition of proposed enhancement areas and wildflower/grassland field margins, opportunities for shelter, hibernating, and commuting may even be improved for amphibians. Precautionary working methods to avoid potential disturbance of terrestrial amphibians should be implemented through a Construction and Environmental Management Plan. Overall, it is considered that the scheme would not have a significant impact on the local amphibian populations.
151. Although no evidence of badgers was found directly on the site, two "push-throughs" and two setts were identified near the site. It is likely that badgers use the site for foraging and commuting, and the site is considered to be of local ecological importance for badgers. In the absence of badger setts on site it is concluded in the Ecological Impact Assessment that no mitigation is required for this species.
152. The proposed solar farm site is considered of negligible importance for bats due to lack of suitable habitat and features. The boundaries will remain unlit, and retained trees will have bat boxes installed. Habitat enhancements such as native hedgerow planting and wildflower meadows will improve the site for invertebrates that bats feed on. Safeguards, such as a root protection zone buffer, will be put in place to protect potential bat roosts within boundary trees during construction. The scheme is not expected to have a significant impact on bats and may even provide improved habitat.
153. The site is of local ecological importance for breeding birds, including five priority bird species. The proposed development will result in the loss of some breeding bird habitat, particularly for ground nesting bird species. However, the proposal includes the creation of two large ecological enhancement areas to compensate for the habitat loss, which will be located in the south-western and south-eastern corners of the site. Hedgerows and hedgerows with trees, where dunnock and song thrush are likely to breed, will be retained as part of the proposal. The site was considered of negligible importance for wintering birds. The proposal involves creating shallow depressions called 'wader scrapes' in the lower lying areas of the enhancement area to support breeding waders and their chicks. The areas surrounding the solar panels shall be planted with meadow/wildflower mixtures to create improved nesting opportunities for ground nesting birds. The planting of additional native species hedgerows and trees shall provide additional nesting and foraging opportunities for various bird species.

The proposal also includes the installation of two barn owl boxes. Vegetation removal and groundworks are recommended to be scheduled between September and February to avoid impacting ground nesting birds and birds nesting within woody vegetation. If not possible, an ecologist will check for active nests prior to any works. Some bird species may nest year-round, so due diligence is required by contractors when felling trees even outside the core nesting season.

154. There are no suitable habitats for otter within the site boundary, with the small ditches considered to provide suboptimal habitat for otter. There are barriers for dispersal of this species, with a number of main roads and large expanses of farming fields, between the River Browney and the site. It is therefore considered that the site is of negligible importance for otter.
155. The site is considered to unlikely to support any other protected/ notable species, therefore mitigation measure are not required. However, enhancement measures being implemented for other species, such as the ecological enhancement areas and meadow planting, will also provide improved habitat for other protected and notable species such as brown hare, a Durham BAP species
156. The Ecological Impact Assessment concludes that the proposed development is considered to conform to relevant policy and legislation, and no features of significant ecological importance have been identified within the site. The loss of habitats to be developed upon is considered negligible, and compensation would be made through proposed habitat creation and enhancements. The mitigation and enhancement strategy, including the creation of two ecological enhancement areas, should improve habitat for protected and notable species identified during the assessment. The proposed development is expected to contribute to an 80.15% Biodiversity Net Gain at the site, provided that appropriate planning controls are implemented, including a Construction Environmental Management Plan, a precautionary method of working for GCN, and a Landscape and Ecological Management Plan.
157. CPRE and the RSPB have both objected to the proposal due to the potential impact to priority bird species and lack of adequate mitigation. Durham Wildlife Trust has objected to the proposals due to a lack of mitigation for breeding birds, lack of reassurance regarding Biodiversity Net Gain and the absence of a Landscape and Ecological Management Plan and Monitoring Plan. Public objectors have also raised impacts to birds and wildlife in general as an issue for the development.
158. Following the initial round of consultation the site layout was revised to provide a larger area for ecological mitigation, particularly in respect of breeding birds. Consultations were sent to all those who commented on the application, including CPRE, RSPB and Durham Wildlife Trust but no further comments have been received from these groups.
159. Ecology officers have considered the proposals and raise 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. A condition is not regarded as a suitable mechanism due to the 40 year timescale of the solar farm development and a Section 39 is more suited to ensuring long term management.
160. The proposed solar farm 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 solar farm would not impact upon any nationally or locally protected sites. 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

161. 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.
162. There are public rights of way within the site boundary, all of which are in Burnhope Parish. Whilst not distinguishable on the ground, the Council's Definitive Map shows that Footpath No. 24 passes through the site from the access point at Edge Lane and routes south-east into Burnhope village via Footpaths No. 25 and 28. Footpath No. 26 stems broadly in an east-west direction along the southern boundary of the main parcel of land where solar panels are proposed and links to Footpaths No. 24, 25 and 28. Situated outside the defined boundary of the site, Bridleway No. 22 and 23 run in an east-west direction between Edge Lane and Green Lane, and separate the main parcel of land where solar panels are proposed from the northern areas of the site.
163. As part of the development, it is proposed to divert Footpath No's.24 and 25 . These paths historically followed field boundaries, in part, but as these boundaries changed with surface mining operations the route no longer makes sense on the ground. The proposed diversion would more closely follow the apparent desire lines around the field boundaries.
164. Access and Rights of Way officers have not objected to the proposals but have raised concerns regarding the proposed main vehicular access over public bridleway no. 22 Burnhope Parish, and the provision of maintenance vehicle access tracks from both bridleway 22 and 23 Burnhope Parish during the period of operation. Officers have stated that whereas private vehicular rights exist over the bridleways, they are largely free from motorised traffic other than occasional agricultural vehicles and they currently provide to great effect quiet and enjoyable routes for horse riders, cyclists and pedestrians only, in accordance with their legal designation as public bridleways. Officers conclude that the affected public rights of way have a high aesthetic and recreational value, with some enjoying an open and elevated aspect providing panoramic, uninterrupted views. Given the scale and quasi-industrial nature of the development, and the requirement of unsightly security fencing which cannot be completely masked by vegetation, it is anticipated that there would be a reduction in aesthetic quality of both the public rights of way directly affected by this proposal and the connecting wider network.
165. It is clear from the comments from the Rights of Way officer and from comments from members of the public that the impact to recreational amenity, in terms of change to how the walking routes are experienced, is the main issue arising from this proposal. Neighbouring residents and other users of the rights of way network within and around

the site have enjoyed the area it is current form since restoration of the former surface mining activities were completed. The introduction of solar panels would adversely

166. With the proposed diversion in place there would be no loss of public rights of way and there would no physical deterioration in the quality of the remaining existing rights of way. However, the recreational value of the affected rights of way would be diminished, in conflict with CDP Policy 26, due to the intrusion and visual impact of the proposed solar panels.
167. The proposed landscaping scheme would go some way towards protecting the recreational value of the site, but this would largely function to limit external views of the site. Views from users of the rights of way within the site would be significantly altered by the proposal in a manner which would not be consistent with CDP Policy 26 and Part 8 of the NPPF. The proposals would therefore conflict with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

168. 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. If harm is found this must be given considerable importance and weight by the decision-maker.
169. 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.
170. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Burnhope War Memorial is around 260m to the south of site and is the closest heritage asset. Additionally, the Grade II* listed Little Holmside is situated around 1.3km to the east of the development site. Lanchester Conservation Area lies approximately 1.2km to the west at its nearest point and there are a number of listed buildings within this designation.
171. A Settings Impact Assessment has been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of designated heritage assets. The assessment concludes that there are no recorded heritage assets within the site boundary and, due to the location of the development, topography and screening it is considered that the development would not result in any harm to the significance of any designated heritage assets.
172. An Archaeological Desk Based Assessment has also been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of areas of archaeological interest. The assessment found that most of the study site was subject to open cast

mining, leaving no archaeological interest from any period in those areas. However, the easternmost parcel of the study site has the potential to contain buried remains from the Roman period. The impact of the proposed development on below ground remains is limited, comprising less than 1% of the study site area. The identified impact could be mitigated by measures such as targeted archaeological works, modified foundations, or exclusion from development.

173. Archaeology officers have raised no objections to the proposals noting that the potential for archaeological remains on the site is low, but it is still possible that remains are masked by the drains or not detectable by geophysical survey. Therefore, it is recommended that trial trenching be carried out to confirm the survey results. Mitigation options are available if remains are found, such as surface cabling or mounting arrays on blocks. Officers have suggested securing trial trenching through archaeological conditions, using a phased works condition that allows for multiple phases of work if required. However, the client should be aware of the risk of encountering significant remains during trenching post-consent.
174. Due to intervening topography, screening and distances it is considered that the development would cause no harm to the Lanchester Conservation Area or any designated heritage assets.
175. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm 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

176. 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. It goes on to state that 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.
177. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that 49.7ha of the site area is comprised of Grade 3b soils and the remaining 34ha is Grade 4 soils. The site is therefore not comprised of best and most versatile land. Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing. The solar panels would be piled into the ground without any concrete, or otherwise, foundation and therefore soils would not be disturbed as part of the development and would remain in a viable condition. The proposed solar farm would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

178. 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.

179. The application site is currently comprised of agricultural fields, plantations and public rights of way. The Chapmans Well nature reserve is located to the north of the site, the settlement of Burnhope is located to the south and Maiden Law to the west. Additional agricultural land is located to the east.
180. There are two existing relatively small scale solar farms in the vicinity of the application site. DM/15/02279/FPA on land at Greencroft approximately 1.3km to the west and DM/20/02986/FPA on land adjacent to the Morrison Busty depot approximately 1.4km to the north.
181. The proposed solar development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising. 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. However, due to the existing screening and topography it is unlikely that the existing and proposed solar developments would, at any point, be intervisible. It would require a lengthy and contrived walking route to view each development within the same journey and it is therefore considered that the cumulative impact would be limited in this respect.
182. The proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site. It is therefore considered that whilst there is a potential for a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Safeguarded Areas

183. 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 Plan.
184. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Areas for coal. However, as the solar farm is time limited for a period of 40 years the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56.
185. CDP Policy 28 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. For the application site, consultation is only required for structures over 15.2m in height. The proposed mast forming part of the DNO substation would be 15m in height and therefore does not require consultation and would not conflict with CDP Policy 28.

Community Fund

186. The applicant has proposed to make a financial contribution to Durham Community Foundation and Burnhope Parish Council. The Burnhope Solar Farm Community Fund would be used to support community projects, including environmental and wildlife initiatives, energy efficiency or renewable projects, public/community amenities, and activities that engage the community and support social cohesion. The fund would also provide fuel tokens and/or help with energy costs for individuals and families, up to £100 per household. In total, the solar farm development would make up to £500,000 available in community benefit funding. Objectors to the development have stated that community benefits offered by the applicant are insufficient.
187. Officers considered that the harm identified in the consideration of this application could not be mitigated by a financial contribution and therefore such a contribution should not be weighed in the planning balance.

Other Matters

188. It has been suggested that coastal sites and brownfield sites would be preferable, along with installing panels on factory roofs. It is also suggested that wind turbines away from the general public and residential areas would also be preferable. Applicants are welcome to select previously developed land for solar development but there is no policy requirement to do so.
189. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. Solar is an established part of renewable energy production and whilst there are recognised limitations (day length / light intensity) this is no different from any other type of energy generation.
190. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.
191. 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.
192. Objectors have noted that a community fund has been offered as part of the development and have stated that this is insufficient. The proposed community fund does not form part of the planning application and is not a material consideration.
193. The potential impact of electromagnetic radiation has been raised as a concern from the solar panels. Electromagnetic radiation naturally exists within everyday life. The risk is not increased by the development of an electricity generating plant such as the proposed solar farm. Notwithstanding this, the proposed development would be constructed in complete accordance with British Standards. Furthermore, the entirety of the solar farm and grid connection would be in private operation with no access to members of the public. On this basis, it can be concluded that the proposed development would not cause any dangers or concerns to the public in relation to Electromagnetic Radiation

194. 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.
195. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

196. Although there would be a degree of landscape harm, and harm to amenity of recreational routes, it is considered that the benefits of the proposal would outweigh this harm. The proposed solar farm development would provide a significant renewable energy source using solar power sufficient to provide clean energy for up to 13,861 homes whilst also reducing dependence on fossil fuel power stations. Further benefits of the scheme include significant biodiversity and landscape improvements to the site and direct employment to the construction industry. Officers consider that the proposed solar farm would accord with CDP Policy 33.
197. Although changes have been made to the proposed solar farm during the course of consideration of the application, it would still constitute development in the countryside resulting in a degree of landscape harm and a conflict with CDP Policy 26 in respect of public rights of way. Efforts have been made to screen the solar arrays and from many public viewpoints the arrays would be obscured by vegetation or topography. In more open, and distant views the solar arrays would be seen as a developed feature within a rural landscape that could not be mitigated by screening. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.
198. Whilst it is accepted that the proposed solar farm 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.
199. The proposed development has generated significant 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.
200. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

201. That application no. DM/21/02990/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development:

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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

Reason: To ensure the development is carried out in accordance with the approved documents.

3. This consent is granted for a period of 40 years from the date of this permission when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be completed in full within 6 months of approval of those details.

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.

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

Drawing Number	Drawing
AD-SLP	Site Location Plan
GBR_GBR_Burnhope_LP2 - PDL_08	Site Layout Plan
P22-0399_EN_005_E P22-0399_EN_006_E P22-0399_EN_007_E	Detailed Landscape Proposals
UK_EPD_AUX+300	Auxiliary Transformer
PNL_2P_25/6839	Panel Elevations
UK_EPD_MH/CB	Monitoring House Communication Building
UK_EPD_INV	Inverter
UK_EPD_MTR	Cabinet DNO Meter
UK_EPD_GTD	Gate
UK_EPD_FNC	Fence
UK_EPD_CSS	Customer Substation
UK_EPD_BB	Power Conversion Block
UK_EPD_RCS	Road Cross Section
UK_EPD_S40+300	Storage Container
GBR_BRH_EPD_SUB	Substation Floor Plans
GBR_BRH_EPD_SUB	Substation Sections
UK_EPD_DNO	Substation Elevations
UK_EPD_WMF	Weld Mesh Fence
UK_EPD_WMG	Weld Mesh Gate
UK_EPD_TFM	Transformer
UK_EPD_TLT	Toilet
UK_EPD_SWG	Switchgear Production Substation
UK_EPD_CAM	CCTV Camera
UK_EPD_BB	Battery Block

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

5. Development shall be carried out in accordance with the Construction and Decommissioning Method Statement, dated June 2022.

The approved Construction and Decommissioning Method Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing with the local planning authority.

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.

6. 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.

7. The rating level of noise emitted from the development shall not exceed 0dB LAeq (15 mins) above background noise levels at any noise sensitive properties during night time hours (2300 – 0700) and shall not exceed 5dB LAeq (1hr) above background noise levels at any noise sensitive properties during day time hours (0700 – 2300).

The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework.

8. The development shall be carried out in full accordance with Section 7 of the approved Glint and Glare Assessment.

Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework.

9. The development shall be carried out in accordance with the submitted flood risk assessment (Ref. J-14719) The mitigation measures detailed with the flood risk assessment shall be fully completed prior to 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.

10. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

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.

11. Development shall be carried out in accordance with the Construction Traffic Management Plan, dated June 2022.

Reason: In the interests of highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development.

12. Prior to the commencement of development of any above-ground structure, precise details of that structure shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the colours and finishes. The development shall be carried out in accordance with agreed details.

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.

13. No development shall commence on the land surveyed as part of the submitted Geophysical Assessment (Report No. 3887, dated January 2023) until a Written Scheme of Investigation setting out a phased programme of archaeological work for this area 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 in this area 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 (NPPF). Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

14. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be developed 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, shall 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.

15. 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 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies

any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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 Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

16. 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 Part 15 of the National Planning Policy Framework.

17. In the event that the solar farm 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.

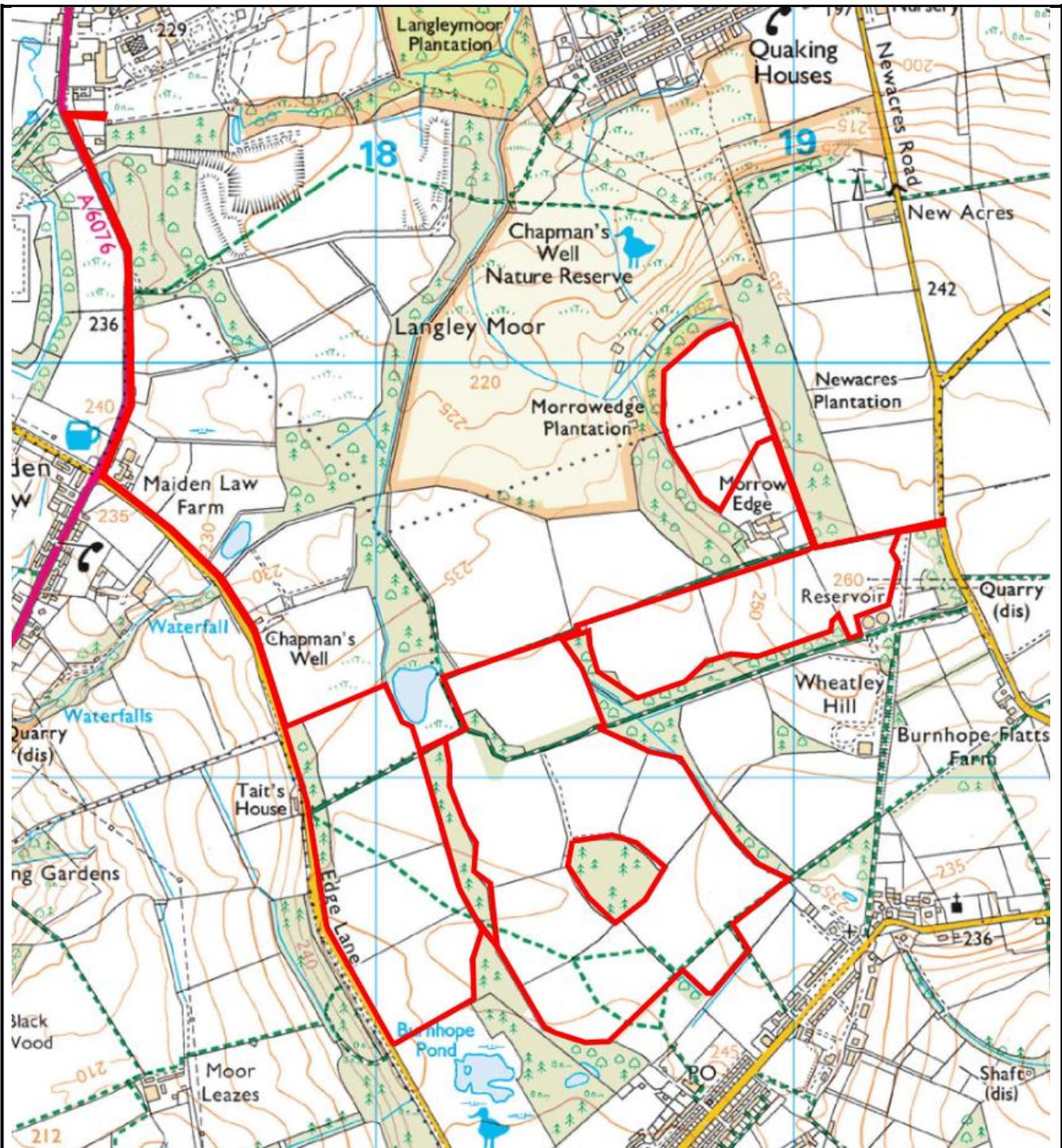
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

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 Practice Guidance notes
- County Durham Plan
- EN:1 Overarching National Policy Statement for Energy (published in July 2011)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011)
- Draft Overarching National Policy Statement for Energy (EN-1) (September 2021)
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)
- Statutory, internal and public consultation response



Planning Services

DM/22/01769/FPA

Installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), battery storage facility, electrical substation and associated infrastructure

Land East Of Edge Lane Maiden Law

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Comments

Date February 2022

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03248/FPA
FULL APPLICATION DESCRIPTION:	Construction of a new two-storey primary school building, a three-storey secondary school building, and a one-storey, double-height sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block (Amended description)
NAME OF APPLICANT:	Durham County Council and the Department for Education
ADDRESS:	Belmont Church Of England Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Claire Teasdale, Principal Planning Officer 03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The 8.27 hectare (ha) application site comprises the existing Belmont Church of England Primary School and Belmont Community School with associated playing fields and sports facilities. Access to the site is from Buckinghamshire Road and an internal school road runs from the western boundary (Buckinghamshire Road) up to the Belmont Church Of England Primary School building; providing vehicular access to Belmont Community School and serving car parking areas to the north and south.
2. The site is surrounded by residential properties on all sides. The residential properties are accessed from Broomside Lane (Road C13) to the north, Buckinghamshire Road to the south and west and The Links to the east. Cheveley Park Medical Centre, library, Belmont Grange Care Home and Cheveley Park Shopping Centre are located to the north east of site and to the east of The Links. More widely, the site is located approximately 3km to the northeast of Durham City centre. The A1 lies approximately 220m to the west and Durham City Retail Park immediately to the west of it.
3. The rear gardens of residential properties along Broomside Lane, Buckinghamshire Road and The Links back immediately onto the application site with the distances varying depending upon the length of the gardens.
4. The site is not within or adjacent to any landscape designation. There are no Tree Preservation Orders (TPOs) within the site but there are two area TPOs along the north east boundary at Beechcroft Belmont and Belmont Vicarage and Belmont Grange, Broomside Lane, Belmont, Durham. Some 70m to the north west to the east

of Buckinghamshire Road are eight TPOs at Belmont House and in the vicinity of Belmont Court.

5. There are no ecological designations within or immediately adjacent to the proposed site. Some 350m to the south east is The Scrambles Local Wildlife Site (LWS). 1km to the north west is Frankland and Kepier Woods LWS and Ancient Woodland and Frankland Wood Ancient Woodland along the River Wear. 1.4km to the south west is Coalford Beck Marsh LWS. The closest Sites of Special Scientific Interest are located 1.8km to the north west (brasside Pond SSSI), 2.6km to the north east are Pittington Hill and High Moorsley SSSIs and 2.5km to the south east is Sherburn Hill SSSI and 4km to the south east Crime Rigg Quarry SSSI. The site lies within an identified SSSI Impact Risk Zone relating to the Brasside Pond SSSI present in the wider area.
6. There are no designated heritage assets within in the proposed site. The closest listed buildings are located to the north and north east. These being the Grade II Old School Community Centre and House Attached approximately 15m to the north and the Grade II Vicarage of St Mary Magdalene with Yard Wall and Gateway 25m to the north in the north eastern part of the site. The Grade II Church of St Mary Magdalene is located approximately 68m to the north of the site to the north of Broomside Lane. 158m to the north is the Grade II Belmont War Memorial. Other listed buildings are some 1.8km distant from the site. The site lies close to the site of Ravensflatt medieval farmhouse. The Durham City Conservation Area lies over 1.6km to the south west with Sherburn House Conservation Area to the south and Sherburn Conservation Area 1.3km to the south east. The Durham Castle and Cathedral World Heritage Site is 3km to the south west with the World Heritage Site Inner Setting being closer at 1.4km to the south west. Kepier Hospital Scheduled Monument lies 2km to the west and Maiden Castle promontory fort.
7. There are no recorded public rights of way within or in the immediate vicinity of the school grounds. Public rights may be accrued by 20 plus years uninterrupted use, however, there is no evidence on file of this.
8. The site lies within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The closest watercourses are Pittington Beck 740m to the east and the River Wear some 1.1km to the north west.
9. The site lies within a Coalfield Development Low Risk Area. The site lies within the mineral safeguarding area for coal as defined in the County Durham Plan and the south eastern corner of the site lies within an area identified for glacial sand and gravel. The site lies within the consultation area of the High Moorsley Metrological Office for any building/works exceeding 45.7m above ground level.
10. The lies approximately 555m to the west, beyond the A1, of the Durham City Air Quality Management Area Boundary.

The Proposal

11. The application was originally submitted for the demolition of existing educational facility and replacement buildings for a primary and secondary school, including sports hall and outdoor sports facilities with landscaping, access and parking. During the consideration of the application, it was identified that additional bat surveys were required for certain buildings and the application was subsequently amended to: 'Construction of a new two-storey primary school building, a three-storey secondary school building, and a one-storey, double-height sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block'.

12. An additional application has been submitted for the demolition of the existing school buildings with the exception of the drama block. This will be determined at a later date as further bat surveys are required to be undertaken before the application can be determined. This report will consider the application for the construction of the new school complex and demolition of the drama block only.
13. The proposed development, comprising two teaching buildings and a sports building would be direct replacements for the existing two schools with the aim of a campus appearance. The proposed use is primarily for education although community use is also proposed in respect of the sporting facilities.
14. The current combined capacity for the two schools is 1,189 students and 120 staff. The proposed combined capacity of the new schools would be 1,475 students and 122 staff (full time equivalent (FTE) posts) across the two schools allowing for additional pupil capacity to accommodate for existing residential growth and future projected growth in the area. The primary school would have a capacity of 425 pupils (365 primary, 60 nursery) with 24 FTE staff and the secondary school would have 1,050 pupils and 98 FTE staff.
15. The replacement primary school would comprise a rectangular two-storey building with recessed entrance and a footprint of a gross internal floor area (GIFA) of 1,927sqm with the dimensions of the building being 8.7m high (5.3m single storey) with partial 1 and 2 storey elements measuring 31.5m x 43.9m (8.7m high x 31.5m length x 43.9m wide). The building would be positioned at the north eastern edge of the site to the west of Cleveley park Medical Centre and The Links, with sports fields located to the west and the entrance and car park to the south. To the east areas for an outdoor kitchen, dining, orchard and soft social space are identified. The primary school would comprise of classrooms for each year group with associated cloakrooms and toilets, a main hall and dining space, a library and office with staff room. Sports provision would include a 2-court MUGA and natural turf pitches with a suggested layout of two football pitches (5-a-side and 7-a-side). The development would also include a split of hard and soft play areas.
16. The replacement secondary school would comprise two blocks: a main teaching block and separate sports block. The proposed secondary school would comprise a three-storey rectangular building with recessed entrance and a GIFA of 6,461sqm with the dimensions of the building being approximately 12.4m high (main parapet level) with a frontage of approximately 73.4m long running east to west and 35.8m wide running north to south (12.4m high x 73.4m length x 35.8m wide). The building would be positioned within the southern section of the site with sports fields located to the south and west between the building and residential properties on Buckinghamshire Road. Separating the school and residential properties on The Links would be a hard social space for Year 7, an outdoor dining area and a soft social space area. The secondary school would comprise of classrooms for each department, toilets, staff rooms and offices, a kitchen and a main hall. Sports provision would be spread around the edge of the secondary school site with a 3-court MUGA, a 106m x 70m artificial grass pitch and retained natural turf pitches with additional facilities including long jump/triple jump track and pit, and two cricket nets.
17. The replacement sports block would be one storey but with an increased height above the main sports hall to allow for an appropriate ceiling height. The total gross internal floor area would be 1,329sqm. The dimensions of the rectangular sports block would be approximately 9.6m high (6.1m lower parapet level) with a frontage 34.2m long running north to south and 41.5m wide running east to west (9.6m high x 34.2m length x 41.5m wide). The sports building would be positioned within the central part

of the site with sports pitches to the north and west, the secondary school building to the south and proposed new car park to the east. The sports hall would comprise a one-storey, double height building. The building will comprise of a hall, a fitness studio, an acting studio, an inclusion room, as well as a number of PE studios and changing rooms.

18. External sports provision overall would comprise: 1no. Artificial Grass Pitch (AGP) marked out to provide 1no. senior 11-a-side football, 1no. hockey pitch, 4no. 5-a-side football pitches, 2no. U9/U10 7-a-side football pitches; natural turf pitches marked out to provide: 2no. U15/U16 11-a-side football pitches, 1no. U11/U12 rugby pitch, 2no. U9/U10 7-a-side football pitches; a Multi Use Games Area (MUGA) marked out to provide: 3no. netball courts, 3no. tennis courts; 2no. cricket nets; 200m running track, including 100m sprint (natural turf); long jump/triple jump and 10x10, training grids (natural turf).
19. The hours of opening for the school are 06:00 – 22:00 hours Monday to Friday and 09:00 – 22:00 hours Saturdays, Sundays and Bank Holidays. The external sports facilities are proposed to be available for community use between 17:00 – 21:05 hours Monday to Thursday, 17:00 – 22:00 Friday, 09:00 – 22:00 hours Saturday, 09:00 – 21:05 hours Sunday, and 09:00 – 21:05 hours Bank Holidays and Public Holidays. Only the AGP would be floodlit, while usage of the other facilities would be limited by natural light. It is proposed that the floodlighting of the AGP would be switched off by 21:05 hours Sunday to Thursday and by 22:00 hours Friday and Saturday.
20. Indoor community use of school facilities would be available 17:00 – 22:00 hours Monday to Friday and 09:00 – 22:00 hours Saturday, Sunday, Bank Holidays and Public Holidays as per the existing usage.
21. The buildings would be predominantly red facing brick with small panels of alternative projecting brick work to provide depth and character to the building facades. A secondary material of composite grey cladding is proposed for the upper storeys of the buildings. External glazed doors, windows and curtain walling would be grey polyester powder coated aluminium double glazed units with predominantly square window openings.
22. The building forms are proposed as rectangular shaped blocks with recessed entrances. The two school buildings utilise 'superblock' arrangements with large shared facilities centrally located with teaching accommodation around. New hard and soft landscaping is proposed for the site.
23. A new vehicular access with The Links is proposed in the form of a crossroads junction with Brackendale Road to serve both schools. The junction would provide access to the staff car park only. Some minor changes to existing road markings on The Links would be required alongside the introduction of the new junction. The existing vehicular access arrangement with Buckinghamshire Road would remain as existing but be used by the school bus services only, with all traffic associated with the car park reassigned to the new vehicular access on The Links. Pedestrian access to the schools would be via Buckinghamshire Road and The Links. The proposed scheme has been designed to provide access for all users, including ambulant and wheelchair users.
24. A total of 152 vehicular parking spaces would be provided comprising 144 standard bays, 8 providing electric vehicle charging, 8 accessible bays and additional space for drop off and pick-up for SEND pupils and loading/unloading of services and deliveries. The car park would be controlled by an intercom/gate system and would not provide access to the site for parents undertaking drop-off and pick-up by car.

25. Arrangements for coach parking would remain largely as existing with a dedicated coach parking area being provided in the north western part of the site using the existing Buckinghamshire Road access. This would accommodate 8 coach bays.
26. As part of the current proposals, a minimum of 22 cycle parking spaces for pupils are proposed adjacent to the primary school. A minimum of 73 spaces would be provided between the secondary school and sports hall to serve staff, pupils and community users. Details of the cycle spaces would be required through condition.
27. The proposed development would result in a temporary loss of grass playing field land that would be used for the construction of the new buildings and new car parking area located within the western section of the site. Access to playing fields at the southern part of the site would be retained during construction and there is also access to an off-site playing field a short walk from the site. The area of playing field lost to development proposals would be replaced once the existing buildings were demolished.
28. The proposed layout has been designed to avoid the need for advanced demolition of the existing school buildings, reducing disruption to staff and pupils and to minimise the impact on existing site features and below-ground services. The development is phased to allow for teaching in the existing buildings to continue whilst the replacement buildings are constructed on site. Following construction of the new buildings the schools would decant into their new accommodation. The demolition phase would then commence and finally the completion of the provision of the sports fields, landscaping, and parking.
29. The proposed phased construction works are expected to take a total of 74 weeks, commencing in April 2023 with completion due in August 2024. Internal works would take place for a period of 47 weeks. The new schools would be ready to accept pupils from September 2024. This would be followed by the demolition of the existing buildings and provision of the sports pitches.
30. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

31. The existing school buildings date from the 1960s/1970s with some modern additions, including the 2007 performing arts block. There has also been a number of applications granted for car parks, storage containers and kitchen ventilation ductwork.
32. Planning application no. DM/23/00294/FPA for the demolition of existing school buildings with the exception of the drama block was submitted in February 2023 and is pending consideration.

PLANNING POLICY

NATIONAL POLICY

33. 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.

34. 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.
35. *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.
36. *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.
37. *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.
38. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
39. *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.
40. *NPPF Part 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.
41. *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.

42. *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/government/publications/national-planning-policy-framework--2>

43. 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; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; 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>

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

44. *Policy 6 – Development of Unallocated Sites* – States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
45. *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.
46. *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.
47. *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.

48. *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.
49. *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).
50. *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.
51. *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.
52. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
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.

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* – 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.
56. *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.
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 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.
58. *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.
59. *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.

60. *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:

61. 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:

62. *Highway Authority* – has raised no objections to the proposals subject to appropriate conditions and works to be undertaken to the adopted highway. The current use of the site is for existing primary and secondary school provision, and so the principle of education use, and the trips associated with the use, are already established on the site. Therefore, the main impact of the proposal would be the additional movements to and from the site as a result of increased staff and pupil numbers for the secondary school, and the relocation of the main vehicular access for the site. Officers have assessed these impacts and consider them to be acceptable subject to conditions requiring implementation of parking and S278 works prior to first occupation; provision of cycle parking and details of electric vehicle charging points.
63. *Drainage & Coastal Protection (Lead Local Flood Authority)* – require clarification of the pollution mitigation level the petrol interceptor provides for the coach parking area. Confirmation of how the access road and circulation roads are drained and how the surface water from them is treated is also requested. Officers have no objection to the proposal subject to a condition requiring precise details of the surface water management scheme.
64. *Northumbrian Water* – has raised no objections to the proposal. NWL advises that it does not have any issues to raise regarding capacity to serve the new development, provided the application is approved and carried out within strict accordance with the drawing entitled “PROPOSED DRAINAGE GA” which reflects its pre-planning enquiry advice. NWL state that it is not commenting on the quality of the flood risk assessment as a whole or the developer’s approach to the hierarchy of preference. It is stated that Council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards.

65. *Sport England* – does not object to the proposal as it is considered to meet exception 4 of Sport England’s Playing Fields Policy and Guidance document, this being that the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field. Sport England advises that the absence of an objection is subject to conditions requiring the submission of a detailed assessment of ground conditions and should constraints be identified then a detailed scheme to address these. In addition, a condition requiring the approval of a community use agreement is requested. A condition is also requested details of construction, surfacing, fencing, means of enclosure, floodlighting and line markings for the proposed AGP and MUGAs, along with a condition requiring alternative playing pitch provision.
66. *The Coal Authority* – advises that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority’s Standing Advice within the decision notice as an informative note to the applicant in the interests of public health and safety.
67. *High Moorsley Metrological Office* – has no objections. It is noted that the proposal is approximately 3.9km from the meteorological radar at High Moorsley and there would not be any impact on the data or the forecasts and warnings derived from it.

INTERNAL CONSULTEE RESPONSES:

68. *Spatial Policy* – has raised no objections to the proposals. Officers consider the proposal to be in accordance with CDP Policy 6 (Development on Unallocated Sites) subject to satisfying other policy requirements within the CDP. Officers advise that it will be a matter for the case officer in conjunction with advice from specialist services to determine if the proposal is compliant with relevant CDP policy in relation to transport, sustainability, design, amenity, trees and landscape etc. Overall, there are no Spatial Policy objections to the development of a school on this site, however, there are a number of considerations to be taken into account regarding the loss and reprovision of playing pitches noting also that there has been a change in approach with separate applications to be submitted for construction and demolition, site access, amenity of neighbouring residents and parking.
69. *Environmental Health and Consumer Protection (Air quality)* – raise no objections having considered the submitted Air Quality Assessment, Dust Management Plan including mitigation measures and Construction Logistics Plan.
70. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections to the proposals having undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). Officers note that the submitted noise assessment demonstrates that noise from the artificial grass pitch would comply with Sport England Noise Guidance. Officers note that the proposed hours of community use have been altered but consider the revised hours may potentially result in a statutory nuisance being created with noise from the AGP. However, officers consider that conditions to control the hours of use as per the revised proposed times would be sufficient to mitigate the potential of a statutory nuisance. A condition is suggested to control noise emitted from the proposed plant compound. In principle officers agree with the

submitted External Lighting Plan and suggest a condition is affixed which requires adherence and implementation of the Plan is undertaken.

71. *Environmental Health and Consumer Protection (Contaminated Land)* – has raised no objections. Officers have confirmed that they are satisfied with the findings and conclusions drawn in submitted reports. Given that ground gas protection measures are required, a phase 3 remediation strategy should be provided including ground gas protection measures proposed. Therefore, conditions are recommended for phase 3 and 4 remediation works and an informative relating to if unforeseen contamination is encountered.
72. *Ecology* – raise no objection. Officers advise that a Biodiversity Management and Monitoring Plan that includes covering a 30 year period is required and should include any proposed ecological enhancements.
73. *Landscape* – has raised no objections to the proposals noting the site layout and built form leaves little space for landscape provision. The landscape outlined is acceptable, but officers have requested conditions to provide full details of hard and soft landscaping and long term soft landscaping management for a period of 20 years.
74. *Design and Conservation* – raise no objections advising that following extensive pre-application discussions, the applicant has revisited the overall material palette and approach to fenestration, introducing visual interest and depth to all buildings. The main pedestrian entrances are legible without over-reliance on signage. With regard to the upper floor of the secondary school building, options were discussed relating to the cladding colour and officers are satisfied with the final proposed materials and colours. Officers have also reviewed the impact of the proposal on the adjacent listed buildings to the north of the application site and conclude that there would be no harm to their setting.
75. *Archaeology* – has raised no objections to the proposals but advise that given the size of the area that would be affected by the proposed works and its potential to contain archaeological remains, evaluation by means of geophysical survey followed up by trial trenching should be undertaken. The results would determine if any further archaeological works would be required prior to development commencing. It is understood that the construction and landscaping process will be phased. Consequently, conditions requiring a Written Scheme of Investigation setting out a phased programme of archaeological work and reporting and archiving are recommended. A Written Scheme of Investigation has since been submitted which officers consider is acceptable negating the need for a condition. Further works may be required as a mitigation strategy, or part thereof, if archaeological remains are encountered during the evaluation.
76. *Access & Rights of Way* – raise no objection advising that there are no recorded public rights of way within or in the immediate vicinity of the school grounds. There is no information as to whether any part of the school grounds is subject to unrestricted public access. Public rights may be accrued by 20 plus years uninterrupted use, however the Council currently has no user evidence on file in support of one or more public rights of way over this land.

EXTERNAL CONSULTEE RESPONSES:

77. *Police Architectural Liaison Officer* – provided comments based on the principles of Crime Prevention through Environmental Design intended to help create a safe and crime free development. Following the receipt of additional information from the applicant to address these comments the Police Architectural Liaison Officer advises

that they are content with the response and recommends that Secured by Design is achieved on the proposed development.

PUBLIC RESPONSES:

78. The application has been advertised in the local press (the Northern Echo), by site notice and through neighbour notification letters as part of the planning procedures. Notification letters were sent to 1,304 individual properties in the vicinity of the site.

Representations to the application as originally submitted

Objection

79. 10 objections were received from local residents in response to the application as originally submitted. The objections received were individual letters. The issues raised are set out below.

Traffic and road safety

- Concerns are raised in respect of current traffic and road safety problems. It is stated that parents currently park on double yellow lines, in front of residents drive-ways and on the kerbs letting one car pass at a time causing difficulties for pedestrians, u-turning from Buckinghamshire Road onto Devonshire Road and back onto Buckinghamshire Road.
- Problems have been reported to the Council and Police, but no action taken. It is stated that offences are being committed daily around the entrance on Buckinghamshire Road, none of which have apparently stopped or even reduced during school hours, despite clear signage and a lollypop man being present.
- It is stated that school coaches continually pull across the carriageway without the clearance to turn fully, therefore blocking the road entirely to traffic attempting to move on and off the estate.
- Concerns that the new Links entrance would encounter a lot of issues reflecting what happens on Buckinghamshire Road at present and that road is already very busy and includes the Cheverly Park shops area and access to Broomside Lane, increasing traffic in this area would probably lead to more accidents.
- Broomside Lane
- It is queried if the proposed new carpark represents an increase in the number of spaces available compared to current provision.
- Problems at the Buckinghamshire Road site entrance may well continue as parents would still have access to drop their children at either entrance to the school.
- A round-about at the end of Buckinghamshire Road onto Broomside Lane is suggested which may help the flow of traffic in/ out onto the main road and reduce the speed of some vehicles on Broomside Lane which is considered to be a very dangerous road.
- Concern that the need to not disrupt teaching by building the new buildings on new sites then pulling down the old ones is taking all precedent over residents. Belmont is first and foremost a residential housing estate, not a school. If the estate cannot cope for the amount of staff cars needed then perhaps an offsite specific park and ride system should be considered instead.
- Concerns that there are no plans for off road pick up and drop off points for students and this would create issues at drop off and pick up times.
- Suggestion that a formal road crossing and additional barriers need to be installed to force students to cross at a safe and appropriate place, well away from people who are attempting to get off their driveways.

Layout & Design

- Concerns are raised that four bungalows Numbers 10, 12, 14, and 16 The Links would be very badly affected by the new school building proposal and concerns that there has been no consultation with the residents.
- Planning permission should only be granted if the generator and service area are not located near to the boundary fence with The Links properties as it is considered that there would be increased noise from the generator and concerns of smells and rats from bins in the service area.
- The proposed generator raises concerns of increased noise due to its running. The service area would hold bin waste and is a cause for concern regarding the smell of the bins as well as attracting rats.
- It is stated that at consultation event it was stated that it would be possible to move the generator and service area to a different area not near the bungalows and it is requested that this happens.
- Concerns that the proposed three storey secondary school so close to bungalows on The Links would impact upon light to the rear of the properties and also upon privacy as anyone in the proposed new 3 storey school would be able to see into the rear of the bungalows thus removing any privacy and potentially all daylight into the rear of the property and garden.
- It is not considered fair to place such a tall building close to the smallest residential properties on the school boundary. Residents were originally informed that the tall school and service room were to be placed central to the plot of land but this is not the case.
- The height of the school is questioned and if the school can operate without 3 storeys now and that surely a 3 storey school is not essential in the future.
- At a public consultation meeting it is stated that residents were informed that the school could not be built any closer to the centre of the plot because pupils' lessons could not be disrupted so they had to remain in the existing building during the build. Although understood it is considered that there are alternative ways to continue teaching including the use of temporary classrooms to be used to school the children whilst demolition and construction takes place which would enable the new, tall school to be positioned central to all neighbouring residential dwellings. This would be fairer to everyone living along the boundary.

Landscaping

- Concerns raised by residents of The Links to the loss of daylight to the rear of properties as a result of tree planting proposed immediately behind property fences.

Residential Amenity/Artificial Grass Pitches Usage

- Residents of Buckinghamshire Road whose boundary is shared with the school are concerned regarding the proposed location of the artificial grass pitches and the proposed operating hours of the artificial grass pitches. The concerns relate to significantly raised levels of both noise and light pollution, especially those to the west of the site which are currently shielded entirely from the noise of the existing pitches by the school buildings.
- Proposed operating hours of the pitches are considered to (until 10pm) far exceed those of the existing pitches (located in a more sheltered location on the site), and given that there are similar facilities available for community use less than 1 mile away at New Ferens Park and it is not considered necessary for community use outside of school hours, although the benefit of the AG pitch for the school itself is appreciated.
- Noise in the form of shouting and cursing can be heard from the currently sports pitches located in the centre of the school, concerns are raised regarding the proposed location and extended hours of operation upon residents and enjoyment of their property and gardens especially during the summer months and it is not seen how this can be avoided.

- Young children's bedrooms backs onto this area and it would be no longer possible to leave windows open in warmer weather.
- The floodlights are a big concern and would illuminate and intrude on property, being operational until 10pm at night, more so in the darker months.
- The new outdoor area would have the complete opposite effect to what residents currently have and overall, it would be a negative impact on the schools immediate neighbours.
- It is appreciated that the school is in need of redevelopment not only for the pupils and improving the environmental aspect, however residents have to live alongside the school, and do not affect the school but the school has a significant impact on the local residents living all around the site. Residents have nowhere else to go for contentment and must be no worse off than their current habitat living alongside the school, this should be an unwavering guaranteed commitment from all involved with the proposals and the Council.

Construction

- The timeframe of the construction for the development is queried.
- Concerns are raised that working times may extend to Saturdays 8am – 1pm and where necessary may occasionally fall to Sundays. All weekend working is opposed.
- It is stated that the school site is already busy with school times, extra curriculum sports out of school time, residents are also disturbed during school holidays with remedial works which are carried out on site. It is understood this needs to be done when the school is closed however these works are already an additional encroachment on personal space when the noise of maintenance is underway, and with what is anticipated to be years of building works it looks for a lot of unease.

Other matters

- Loss of property value is raised as a concern.
80. A full reconsultation was undertaken upon receipt of the amended application and 2 letters of objection have been received. These objectors subsequently submitted additional information in support of their concerns. In addition, 2 objectors from the original consultation have written expressing concerns. The issues raised are set out below. In addition a representation has been received from Cleverley Park Medical Centre.

Representations to the amended application

Residential Amenity/Artificial Grass Pitches Usage

- The proposed location and usage of the AGP is raised as a concern.
- It is stated that the Council's Nuisance Action Team has raised concerns suggesting reduced operating hours which although not ideal are better than those proposed, however applicant's revised hours of 9.05pm Sunday to Thursday and 10pm Friday and Saturday are not considered to be satisfactory causing noise when people are enjoying their gardens or young children going to sleep.
- It is considered that the current locations of school and outdoor exercise area should be kept where they are, central to in the grounds and then no residents are being subject to noise.
- Queries are raised regarding the noise assessment that was undertaken in terms of the timing and location of monitoring.
- Concerns that the proposed fencing in the area of the AGP is not acoustic and that an acoustic fence should be installed around the perimeter facing the dwellings as a minimum.

Traffic and road safety

- Concerns are raised regarding safety hazards for pedestrians and vehicles during busy school times with parking on yellow lines, on pavements, road junctions and blocking of residents' drives and the lack of action taken to prevent this. Photographs of the existing parking situation were submitted.

Layout and consultation

- Concern that previous objections relating to the height, location of the secondary school building and impact on residents of The Links are not going to be considered and that a meeting will not take place with residents before the plans are finalised which residents understood was to happen and the plans are being bulldozed through.
- It is stated that residents were told that changes could be made to the layout including the moving back of the secondary school. It is noted that some changes have been made to the layout and the heat source pumps have been relocated but concerns remain regarding location of the secondary school, dustbins and outside eating area and the adverse effects these would have upon the residents.

81. *Cleverley Park Medical Centre* – The Partners, who are also owners of the building at Cheveley Park Medical Centre, have no objection to the building of the 2-storey primary school on land adjacent to the surgery, however further clarification has been requested on: drainage arrangements; privacy due to proximity of the proposed new primary school building; trees on the school site with the request they are trimmed and maintained, and noise during building operations with the request for a fence to seek to reduce any impact.

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/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

82. The Durham County Council Plan 2020-2023 includes the ambition *'to safeguard, enhance and provide a wide range of educational facilities'*.
83. The Proposed Development will provide replacement educational buildings for both Belmont C of E Primary School and Belmont Community School, co-located on the same site. The existing school buildings were originally built in the post-World War 2 period. The buildings have reached the end of their design life and have been prioritised for replacement. This is a condition led project, the purpose of which is primarily to demolish the existing outdated buildings and re-provide new fit for purpose and high-quality buildings to enhance the education provision for the local community.
84. Due to a requirement for additional bat surveys to be undertaken in 2023 relating to the existing buildings (with the exception of the drama block), and the need to meet timescales for provision of the new school buildings the application has been split with demolition being dealt with under a separate application.
85. The Applicant team has engaged with the LPA and statutory consultees, including Sport England and the Council's urban design officer prior to the submission of the planning application and throughout the determination period to address consultee feedback and to ensure that proposals are appropriate for the local area
86. The proposals will result in a number of benefits to the local community, as summarised below.

87. First and foremost, the development will provide accommodation for 1,475 students and 122 staff across the two schools and community use of the sporting facilities. The new schools will allow for additional pupil capacity to accommodate existing residential growth and future projected growth in the area.
88. Secondly, the proposals will result in a betterment to the sporting provision on site through an increase in the area available for sporting use as well as the inclusion of an artificial grass pitch. The existing playing field area on site is 39,942sqm and the proposed playing field provision will increase to 42,425sqm, which will include a playing field area of 30,986sqm, sports courts and an artificial grass pitch. The artificial grass pitch will be floodlit, allowing for additional usage during the winter months whilst being controlled to ensure no adverse impacts on nearby residents. The development will benefit student and the community health and well-being by providing access to additional, modern and better quality sports facilities within the locality.
89. Thirdly, the development replaces the current energy inefficient buildings with modern high-quality buildings which incorporate a number of measures to reduce energy consumption and utilise renewable energy sources. The development incorporates LZC technologies, such as photovoltaics and air source heat pumps in order to offset the energy requirements of the development. The aim is to be consistent with the drive to the electrification of heating systems and to utilise heat pumps to generate heating and hot water demands for all the buildings.
90. Additionally, the development will utilise a fabric-first approach to improve sustainability and energy performance. Both airtightness and U-values show improvement upon the targets set out within the Building Regulations. The development also incorporates a range of passive design and energy efficiency measures throughout the site, including improved building fabric standards beyond the requirements of the Building Regulations, Part L document and highly energy efficient mechanical and electrical plant.
91. Overall, the proposals will have significant benefits for the residents of Belmont and surrounding areas by improving the education and community sport facilities being offered in the locality. In addition, and as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

PLANNING CONSIDERATIONS AND ASSESSMENT

92. 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, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, recreational amenity/sports provision, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

93. 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 relevant to this proposal and are 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.
94. 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.
95. 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). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
96. The proposal is for the construction of a new two-storey primary school building, a three-storey secondary school building, and a sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block. The proposed development would provide an improved educational facility for the local community and increase the capacity of the schools allowing for additional pupil capacity to accommodate for existing residential growth and future projected growth in the area.
97. Paragraph 95 of the NPPF emphasises the importance of sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In essence new schools on this site will deliver wider community benefits and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.
98. Policy 6 of the CDP 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 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 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.
99. The application site is not allocated for educational use within the CDP but benefits from an established use as a school site for both a primary and secondary school. The site is located in a built-up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of the criteria associated with CDP Policy 6 are considered in more detail elsewhere in this report. However, with regard criterion a), the application site is currently occupied by two schools, and it is considered that education is the established and prevailing land use. The use of the land has therefore been demonstrated to be compatible with the existing adjacent land uses, subject to the new location of specific facilities such as outdoor play/lighting, refuse storage, parking and access.
100. With regard to Criteria b) part of the site is previously developed land with a clear boundary that is already surrounded by other, existing development and would therefore not lead to ribbon development or coalescence with other settlements. With respect to criterion c) the application site is not publicly accessible and has very limited recreational and ecological value and no heritage value, although there is a listed building approximately 15m to the north and others slightly further distant which is considered below. The proposal to build new replacement schools on the site would improve the recreational value and the proposed planting and landscape features would add ecological value. Continuing the use of the site for education would maintain the character in the locality.
101. With respect to criterion d) the scheme presents an opportunity to provide a cohesive redevelopment of the school facilities, replacing aged buildings with high quality, contemporary replacements. The development would provide a campus arrangement

with the proposed buildings having a rectangular plan form and be set within a well-designed landscape and playing field setting. The primary school would be two storey, the secondary school three storey and the sports block one storey with an increased height above the main sports hall. The proposed three buildings would be predominantly red facing brick (Ibstock Morpeth Blend) with small panels of alternative projecting brick work to provide depth and character to the building facades. A secondary material of composite anthracite grey cladding is proposed for the upper storeys of the buildings. External glazed doors, windows and curtain walling would be anthracite grey polyester powder coated aluminium double glazed units with predominantly square window openings. Rainwater goods would also be anthracite grey in colour. This is considered to be a positive choice and a clear break from the buildings that they replace and the red facing bricks in keeping with its surroundings.

102. Criteria e) and f) relate to transport and access. The site is located within a primarily residential area and with existing bus stops in the vicinity. The nearest bus stop is located at the current site entrance on Buckinghamshire Road which would be retained as a pedestrian access. There is also a bus stop located on Broomside Lane, approximately and bus stops are also located on The Links at the Cheveley Shopping Centre between approximately 90m and 140m from the proposed access on The Links. The site would continue to have a pedestrian access point from Buckinghamshire Road and from The Links. In addition, there would be adequate parking provision for staff and buses and would not have an adverse impact on the highway network.
103. With respect to criteria g) the development would be a direct replacement to existing educational facilities at the site and would not negatively impact or result in the loss in neighbourhood facilities or services.
104. The development would provide modern high quality educational facilities for the local community, as well as energy efficient buildings with carefully considered drainage and green energy systems on previously developed land currently occupied by two schools in accordance with criteria h), i) and j).
105. In summary it is considered that the development of the application site would accord with CDP Policy 6 as it is considered well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report.

Residential Amenity

106. 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).

107. 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.
108. The site is surrounded by residential properties on all sides. The nearest residential properties are located on Broomside Lane to the north, Buckinghamshire Road to the south and west and The Links to the east which are bungalows on the school side of the road. Belmont Grange Care Home is located to the north east. All properties are separated from the site by their rear gardens with varying widths.
109. External sports facilities would be located around the perimeter of the site. The proposed AGP would be located on the site of the existing school immediately to the east of 7 properties on Buckinghamshire Road (numbers 1, 3, 5, 7, 9, 11 and 13). The proposed new carpark would be located on the western part of the site adjacent to the rear of properties on The Links (numbers 10, 12, 14, and 16).
110. During construction the proposed hours of working are 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays when required. It is not proposed to work on Sundays, Bank or Public Holidays. Any noisy operations (defined in the Construction Method Statement as deliveries, soil stripping and enabling works, excavations, concrete placement (foundations and upper floors) and steel frame erection and composite decking) are proposed to be undertaken between 09:00 to 17:00 hours or out of those hours upon agreement with the school and neighbours.
111. A Construction Method Statement (also referred to as a Construction Management Plan within the submission) and a Construction Logistics Plan have been submitted with the application. These set out how the construction process would be managed seeking to ensure that the site would have a minimal impact on the surrounding residential properties and providing mitigation measures in terms of traffic, noise, vibration and dust during both the construction (Phase 1) and demolition phase (Phase 2). The Construction Method Statement seeks to enhance the safety of the scheme for onsite workers, suppliers, and local residents and seeks to reduce congestion and disruption providing a framework to reduce the number of deliveries and by scheduling deliveries outside of peak periods.
112. Objectors state that residents of Buckinghamshire Road whose boundary is shared with the school are concerned regarding the proposed location of the AGP and the proposed operating hours which they consider would significantly raise levels of noise and light pollution.

Noise

113. A Noise Impact Assessment has also been submitted in support of the application. The assessment provides baseline data for the existing acoustic environment around the site and a consideration of the potential noise from the operation of the building

and sports pitches against British Standards and the Council's Technical Advice Notes (TANs). The assessment concludes that noise arising from the use of the AGP has been assessed and found to meet agreed criteria without the need for specific mitigation although management of pitch use has been recommended. The Assessment recommends that assessment of noise arising from plant be undertaken when specific proposals are available, and mitigation recommendations would be made, if necessary. The use of other sports areas associated with the development is not considered to change significantly from that of the existing school. Noise generated by use of the other pitches is recommended to be managed during their usage.

114. As such the development is in alignment with the NPPF and NPSE aims and includes all the sensitive areas surrounding the site within the investigation, including the properties on Buckinghamshire Road. The hours of use of the AGP would be controlled through planning condition. With regard to construction noise, given that at this stage in the development, building services plant specifications are unavailable rated noise limits are proposed for the cumulative impact of future plant noise at the nearest noise-sensitive receptors. The recommended noise limits can be secured by condition as recommended by Environmental Health and Consumer Protection officers. In addition, planning conditions would require adherence to the submitted Construction Method Statement (also referred to as a Construction Management Plan) which, amongst other matters, control the hours of construction and limits as to when noisy operations would take place.
115. Environmental Health and Consumer Protection (Nuisance Action) officers consider that the submitted noise assessment demonstrates that noise from the AGP would comply with Sport England Noise Guidance. However, due to the potential enhanced use of the existing playing fields due to an all-weather surface recommended that the hours of use were reduced from 22:00 hours seven days a week which was originally proposed. Officers note that the proposed hours of community use have been altered but consider the revised hours may potentially result in a statutory nuisance being created with noise from the AGP. However, officers consider that conditions to control the hours of use as per the revised proposed times would be sufficient to mitigate the potential of a statutory nuisance.
116. Based on current and anticipated demand, there is a requirement for the AGP to operate beyond 17:00 hours. The AGP is close to nearby properties but to minimise any possible disturbance to residents whilst at the same time being able to offer appropriate community use of the enhanced sporting facilities it is proposed that community use for the AGP is Sunday to Thursday until 21.05 hours and Friday and Saturday until 22.00 hours. The proposed hours of use are shorter on Sunday to Thursday in recognition of week days being normal working days and this would ensure that any potential impact upon amenity would be reduced on those days. Although Fridays and Saturday usage would be an hour longer the next days would be weekend days when there is tendency for people to have more leisurely Saturdays and Sundays with the start time reflecting this. The distance from the AGP pitch to the site boundary would be 23m and between the site boundary and the residential properties on Buckinghamshire Road are rear gardens which are approximately 19m in length. It is recognised that there is the potential for some impact upon the amenity of some neighbouring residents along Buckinghamshire Road, but this is not considered to be unacceptable. The hours of use have been reduced in response to comments and the amended proposed times would minimise any possible disturbance to residents whilst also being able to offer appropriate community use of the facilities. The use of other external sports facilities would be limited by natural light.

Lighting

117. External lighting is proposed, and an External Lighting Statement has been submitted with the application. The site amenity and sports lighting have been assessed to ensure there are suitable illuminance levels to aid staff, students and visitors. LED lighting is proposed to be installed throughout the site to create a scheme that meets both the design criteria and aids accessibility, as well as being protective of the site's inherent ecology. Curfews would be applied to general external lighting within the site, with some fittings remaining on during dark hours in the interests of health and safety. External lighting controls would consist of photocell and time clock management as a minimum. The lighting would be automatically switched off or switched to a lower level during night time curfew hours of 23.30 to 06:00 hours. Subject to these measures the report concludes that light spill over the site boundary onto neighbouring areas would not exceed 2 lux for the general amenity, as such the light distribution would be at an acceptable level.
118. As previously stated, the proposed AGP would be floodlit and the MUGAs to the east of it. It is proposed that community use of the AGP would be Sunday to Thursday until 21:05 hours and Friday and Saturday until 22:00 hours. The floodlighting would be designed to a high standard and would minimise light spill to surrounding areas, minimising impacts on nearby properties. It is expected that lighting would be affixed to 15m high columns, but precise details of the lighting for the GWP would be secured through condition.
119. The proposed site layout with buildings in locations that are currently playing fields, would change the lighting environment due to amenity and security lighting compared to the existing situation existing along with the lighting for the AGP. However, measures would be incorporated to ensure that the new lighting schemes are not detrimental to the properties and surrounds and light spill is not considered to be significant.
120. The control of the lighting would be via photocells and time scheduling with manual override facilities. Separate time schedules would be provided for the general site lighting and security lighting. Generally, the external lighting (with the exception of safety and security lighting) would be time controlled to provide the facility for the lighting to be automatically switched off or switched to a lower level during night-time curfew hours of 22.00 to 06:00 to reduce the risk of light pollution.
121. Environmental Health and Consumer Protection (Nuisance Action) raise no objection to the proposals subject to conditions controlling hours of use of external sports facilities; to control noise emitted from the proposed plant compound, and to adhere to and to implement the recommendations of the submitted External Lighting Plan.

Air Quality/Dust

122. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts. The assessment identifies that the proposals have the potential to cause air quality impacts at sensitive locations during the construction phase. These may include fugitive dust emissions and road traffic exhaust emissions from construction vehicles travelling to and from the site during operations. During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site as a result of demolition, earthworks, construction and trackout activities. This has been assessed in accordance with the IAQM methodology. It is advised that, assuming good practice dust control measures are implemented, impacts would be minimised throughout construction. During the operational phase of the development

there is the potential for air quality impacts as a result of traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against the relevant screening criteria. This has been assessed against the screening criteria provided within relevant IAQM guidance. Due to the low number of anticipated vehicle trips associated with the proposals, road traffic impacts were not predicted to be significant. As such, mitigation to reduce potential effects is not considered necessary.

123. It is proposed that dust from the building operations would be minimised by eliminating it at source. This would involve taking preventative actions such as damping down, particularly during dry weather periods, and using wet cutting techniques. Where possible, tools would be fitted with dust removal or suppression equipment, as required. These measures would be secured through a Construction Management Plan.
124. Environmental Health and Consumer Protection (Air Quality) officers have considered the proposals along with additional information that was submitted during consideration of the application and raise no objections in respect of potential nuisance or air pollution. The submitted air quality assessment recommended the development and implementation of a Dust Management Plan and a comprehensive Plan has been submitted that references the air quality assessment and incorporates the proposed mitigation measures. With regards to PM10s it is proposed that visual dust monitoring be conducted weekly, with dust soiling monitoring implemented in the event of complaints. Officers consider this to be appropriate in light of the low background concentrations of PM10. The Air Quality Assessment recommended the development and implementation of a Construction Logistics Plan (CLP), and this has been submitted and the use of designated routes to site along main roads, the provision of cycle storage and encouragement of use of public transport is welcomed. The CLP details the peak number of construction vehicle trips per day over the construction period with a maximum of 8 trips which does not exceed the criteria for assessment as described in EPUK/IAQM planning guidance and therefore an assessment of construction vehicle impacts is not required. Adherence to the submitted documents would be secured through condition.
125. Environmental Health and Consumer Protection (Air Quality) also welcome the submission of the Travel Plan and Transport Assessment which detail action plans to promote active and sustainable travel including cycle storage which may have co-benefits to local air quality as would the provision of electric vehicle charging points are understood to be proposed for the development.

Summary

126. There would be some disturbance to residential properties during construction operations, but these can be mitigated through appropriate conditions and implementation of a construction management plan. This disturbance would be time limited and necessary to provide new educational facilities.
127. Residents living around the school will currently experience some disturbance from the existing school and use of the playing fields, but this is to be expected and residents will be accustomed to this. With the proposed development there is also the potential for disturbance to residents along Buckinghamshire Road (numbers 1, 3, 5, 7, 9, 11 and 13) whose garden back onto the AGP from the community use of the pitches in the evening and facilitated by the proposed lighting to them, but this would be restrained by hours of use as would other external sports facilities. It is also acknowledged that properties on The Links (numbers 10, 12, 14, and 16) are likely to notice a difference from the current situation given the proposed new vehicular access and car park being closer to those properties where currently there are playing fields.

Overall, 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, air quality 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 29, 31 and Part 15 of the NPPF.

Access and Traffic

128. 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.
129. The new development would consist of two separate entrances with two car parks, one for private cars and staff accessed from a new access from The Links, with the existing access on Buckinghamshire Road being retained and used for buses only. During construction it is proposed to retain the access on Buckinghamshire Road for pedestrian and general access. The new access onto The Links would initially be used as a construction access to the site. Pedestrian access to the site would be from Buckinghamshire Road and The Links. In order to avoid any adverse impact on the traffic entering the school, it is proposed that the new entrance from The Links would be constructed first to serve the construction phase of the development without traffic implications.
130. Drop-off and pick-ups primarily occur on Buckinghamshire Road and The Links within the vicinity of the existing access points to the site. It is considered that there would be no reassignment of traffic associated with this as a result of the change in location to the vehicular access as both would continue to be used for pedestrian access.
131. Objectors have raised issues in respect of current traffic and road safety problems associated with pupil drop off and pick up and that these problems would be transferred to the new proposed vehicular access on The Links. Queries are raised over the capacity of the road network to accommodate increased traffic and associated highway safety concerns. In addition, the capacity of the proposed new car park is questioned and the possibility of a roundabout at the end of Buckinghamshire Road onto Broomside Lane.
132. A Transport Assessment (TA) has been submitted in support of the application. The TA provides a baseline assessment of the existing situation, highway network and highways safety. Details are provided of the proposed development, site access and parking, coach parking, delivery and service arrangements. In terms of trip generations, the proposed development is predicted to result in around 55 additional persons travelling to/from the site by vehicle, but it is also acknowledged that there would be a reassignment of traffic on the surrounding highway network as a result of the proposals due to the relocation of the access to The Links.
133. Amongst other matters, the TA concludes that the proposed development would be safely connected to and integrated with the local highway network; parking provision is considered sufficient for the operation of the proposed development including community use; traffic flows associated with the proposed development can be satisfactorily accommodated on the highway network, without resulting in any severe residual impacts on the free flow of traffic; a construction management plan would be

submitted for approval prior to implementation stage; travel plans have been prepared for the proposed development, with the intention of encouraging trips to be made by sustainable modes of transport to the site. Traffic demand associated with the proposed development is likely to vary at different times of the day due to the nature of the proposal. Nonetheless, the TA concludes that traffic flows associated with the proposed development can be satisfactorily accommodated on the local highway network. Overall, the TA concludes that the proposed development would result in no unacceptable or severe impact and, as such, there is no justification for refusing the planning application on highway grounds.

134. The Council as Highways Authority has considered the application having particular regard to the relocation of the main vehicular access for the site, increase in pupil numbers, vehicular and cycle parking provision and electric vehicle charging spaces. In addition, consideration has been given to the proposed specification for the new entrance to The Links, accident data for the last 5 years and suitability of the new access having regard to the inevitable changes in the pattern of vehicle movements to the school. Servicing arrangements and the proposed community uses have also been assessed. The main impact of the proposal would be the additional movements to and from the site as a result of increased staff and pupil numbers for the secondary school, and the relocation of the main vehicular access for the site. Subject to works being undertaken under Section 278 of the Highways Act 1980 (as amended) and appropriate conditions, the Highways Authority raise no objection to the proposals. Section 278 works would be the creation of new vehicular access to The Links including school keep clear markings and installation of new School Safety Zone to The Links. Officers identify that planning conditions would be required to ensure the laying out of the proposed carparks, provision of cycle parking and electric charging points are implemented prior to first occupation of the development. In addition, an informative requiring the undertaking of works under Section 278 of the Highways Act 1980 again prior to first occupation of the development.
135. No objection is raised by the Council as Highway Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Assessment 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. Subject to the conditions set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Layout and Design

136. CDP Policy 29 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.
137. Objectors have raised concerns regarding the proposed layout of the proposed development, the location of the proposed three storey secondary school and the service area and the view expressed that this would result in adverse impacts in terms of privacy, disturbance, noise, smell and rats. Mention is also made to public consultation events and that residents' belief that they could have further input into the design process. Some changes have been made and this is acknowledged by some objectors but concerns remain. The planning application process is an opportunity for members of the public to comment on the application.

138. Tree cover on the site is generally contained around the periphery of the site or within occasional groups around parking areas and playgrounds. The proposed development would require the removal of 45 trees and the removal of a hedgerow to allow creation of the new access onto The Links. The loss of trees and hedgerows would be compensated for through the proposed landscaping scheme. The site is screened from the wider area by the houses, a combination of two storey and bungalows, which back onto it which in turn are separated from the site by their rear gardens. Given the location of the site the proposed development would have a visual impact from the upper floors of houses that border the site due to the increase in height, however, the given the proposed buildings are located fairly centrally and it is the playing fields and parking areas that would be located immediately adjacent to the properties but beyond their garden boundaries.
139. The height of the proposed new buildings are greater than those that exist at present. The proposed secondary school building is 3 storeys high and would be positioned a sufficient distance from the nearest residential dwelling (approximately 54m from no. 10 The Links). This distance is proposed to ensure that the privacy of the residential properties is retained, and daylight/sunlight impact is reduced to the minimum and at the same time allows the construction of the proposed development whilst the current school building remain operational. Given the location generally in the central part of the site it is considered that it would not result in an unacceptable impact.
140. Given the site is currently a school impacts on landscape character would be negligible and the visual effects would be limited to within the site and surrounding residential properties.
141. The design is based around the optimum spatial arrangement for the primary school and secondary school considering the need for the existing schools to remain operational during the construction phase, whilst considering the location of the access point, and vicinity to surrounding residential dwellings.
142. The proposed layout would create a collegiate campus around the shared entrance and carpark allowing the sports field to spread around the school buildings and create a buffer between the residential properties to the north, west and south. The location of the two school buildings, sports hall, MUGAs and AGP would create a pattern of external areas based on age ranges of pupils and function of space.
143. The primary school would be located to the north whilst the secondary school would be located to the south of the car park. The two school buildings would sit opposite each other connected by a wide campus boulevard running along the west edge of the car parking area. The sports block is strategically proposed to the west of this path to be easily and conveniently accessed by both schools' pupils.
144. Durham Constabulary Police Architectural Liaison Officer initially made a number of comments and recommendations based on the principles of Crime Prevention through Environmental Design and intended to help create a safe and crime free development. The comments related to: ground level glazing panels; the need for accessible window openings and external doors conforming to security standard BS PAS:24 2016; rainwater downpipes should either be shrouded or confined within the building; purpose intruder alarm should be utilised for all buildings; external lighting should be situated out of reach and be vandal resistant; bollard lighting should be avoided; street lighting to comply with the appropriate standard; parking areas should be clearly defined using a range of floor markings and signage to control vehicular movement and control pedestrian access. It is recommended that the BPA Safer Parking 'Park Mark' Scheme is applied for. It was noted that there looked to be cycle parking for the

primary school but not the secondary school. Storage points should be provided that allow the frame and both wheels to be secured. As a minimum they are recommended to be constructed of galvanised steel and secured to the ground. Sold Secure Bronze or LPS 1175 are recommended. Following the receipt of additional information advising how the recommendations are addressed and incorporated into the scheme, the Police Architectural Liaison Officer has advised they had no further comments to make.

145. Design and Conservation officers raise no objections advising that following extensive pre-application discussions, the applicant has revisited the overall material palette and approach to fenestration, introducing visual interest and depth to all buildings. The main pedestrian entrances have been designed to be legible without over-reliance on signage. With regard to the upper floor of the secondary school building, options were discussed relating to the cladding colour and officers are satisfied with the proposed materials and colours, a condition would require final details to be submitted and approved. These would also be used for the primary and sports buildings.
146. In response to CDP Policy 29 it is considered that the development would positively contribute to the character and townscape of the area and would create modern buildings capable of providing and accommodating up to date educational needs.
147. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

Locational Sustainability of the Site

148. 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. 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.
149. The proposed development would be located on a site currently occupied by two schools and is surrounded by residential properties in a residential area. The site currently provides access to Broomside Lane via the established access at Buckinghamshire Road. This established access would continue to be used for coach drops and pick ups and for pedestrians. A new vehicular and pedestrian access onto The Links is proposed along with a carpark for both schools in this location which would provide adequate parking onsite for staff and visitors.
150. The existing pedestrian entrances off Buckinghamshire Road and The Links would continue to be used during construction and operation of the new school and there is a good network of pavements to the site to allow people to walk. Cycle parking would

be provided on site to facilitate and encourage staff and pupils to cycle to school. In addition, there are a number bus stops less than 140m from the site entrance.

151. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21 and 29 of the CDP and Part 8 Paragraphs 98 and 103 and Part 9 Paragraphs 108 and 110 of the NPPF.

Renewable Energy

152. CDP Policy 33 states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
153. The Energy Strategy for both school buildings details how the proposed school buildings will include a highly efficient, low-carbon scheme which aims to significantly reduce Co2 emission and achieve the Department of Education's targeted Energy Use Intensity. The Statement confirms that the proposed development would utilise a fabric first approach to improve sustainability and energy performance. It goes on to demonstrate that the most suitable low and zero carbon (LZC) technology for incorporation into the proposed development is photovoltaics. In addition to the photovoltaics, air source heat pumps are deemed viable for the Proposed Development and, as such both heat pumps and photovoltaic panels are proposed for the development in order to off offset the Energy Use Intensity requirements of the development, which is 52kWh/sqm for the Primary School building and 67kWh/sqm for the Secondary School building. The aim is to be consistent with the drive to the electrification of heating systems and utilise heat pumps to generate heating and hot water demands for all the buildings. Other measures to seek to optimise energy usage include the provision of LED lighting throughout the building, high efficiency motors and demand control on most ventilation and heating systems. This demonstrates that the building can operate without reliance upon fossil fuels and the location of the school within a residential area with good transport connections adds to the sustainability credit
154. The applicant has not demonstrated that the building would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating. The applicant has instead advised that on-site renewable energy is a key element to achieving Net Zero Carbon in Operation (NZCiO) for the new building. The chosen scheme includes air source heat pumps to generate heating and hot water, with on-site offsetting via photovoltaic panels. Photovoltaic panels would be located on the roof of all buildings as well as a couple of teaching canopys, and a car park structure with electric changing bays below.
155. The proposed roof mounted solar arrays would assist the school in achieving NZCiO status. CDP Policy 33 provides support for renewable and low carbon energy in appropriate locations. The location of the ground mounted solar panels are considered to be acceptable, and the proposal would therefore accord with CDP Policy 33 and Part 14 of the NPPF.

Contamination and Coal Mining Risk

156. 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.
157. A Preliminary Investigation (Desk Study) was carried out identifying that the site had been previously occupied by a farm and that there may be possible sources of contamination on the site. An intrusive investigation was recommended to establish whether contaminants are present on site. In addition, potential sources of hazardous gas were identified. A Geoenvironmental Appraisal has been carried out and submitted in support of the application. It is identified that the site is underlain by workings in coal seams and borehole testing has taken place establishing that the potential risk of unrecorded shallow coal workings within the site is negligible. A hazardous gas risk assessment has been carried out and concludes that no radon protective measures are required within the proposed development, however, potential sources of methane and carbon dioxide gas have been identified. It is recommended that gas protection measures are incorporated in the proposed development and appropriate mitigation measures can be secured by planning condition,
158. The site lies within a Coalfield Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required. Notwithstanding this, the applicant has considered coal mining legacy matters as stated above. The Coal Authority has considered the development in respect of coal mining risk and raises no objections. The Coal Authority has advised that should planning permission be granted then it would be necessary to include its Standing Advice within the decision notice as an informative note to the applicant in the interests of public health and safety
159. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objections in respect of land contamination. Officers advised that given that ground gas protection measures are required, a phase 3 remediation strategy should be provided including ground gas protection measures proposed. Officers therefore recommend conditions to require investigation of potential areas of ground
160. 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 with appropriate mitigation would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

161. 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.

162. 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.
163. CDP 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
164. The site is entirely located with Flood Zone 1 and within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The closest watercourses are Pittington Beck 740m to the east and the River Wear some 1.1km to the north west.
165. A Flood Risk Assessment (FRA), Drainage Philosophy and overall proposed drainage general arrangement details have been submitted in support of the application. The FRA identifies that the majority of the site is in an area classified as being at 'Very Low' risk of flooding from surface water, though there are some areas around the existing building that are shown to be at a medium - high risk of surface water flooding, however, these are located outside the area where the new buildings are proposed. The existing risk of flooding from overland sources is categorised as 'medium'. However, the risk would be reduced to 'low' once the proposed works have been completed which includes the demolition of the existing buildings as part of the proposed works and include re-grading the levels of the existing land and providing new relatively level playing fields that are positively drained with regards to sports pitch drainage. In terms of flooding from sewers the FRA established a potential flood risk caused by insufficient flows into the Northumbrian Water Limited sewer on site. However, the new proposals would mitigate this risk by restricting surface water discharges to Greenfield rates, being significantly less than the current scenario. The FRA considers that is at low risk from ground water flooding as well as flooding from artificial sources. The FRA concludes that the overall assessment of flood probability to the site is low from all forms of flooding as categorised in the NPPF and Technical Guidance. This confirms the flood designation for the site, and it is stated that the proposed uses of land are appropriate in this Flood Zone.
166. The proposed drainage strategy for the site includes the provision of discharge of surface water from the site to a combined water sewer as due to the geology of the site it may be difficult to soakaways due to the impermeable underlying clay that is anticipated throughout the site, or discharge to watercourse due to distance. The potential use of an existing storage tank has been reviewed and it is considered that

use of this tank could reduce the overall attenuation volume but would be subject to further investigation of the existing tank to determine the actual available volume, the invert level of the tank and condition. Sustainable drainage features such as swales and permeable paving have been included into the scheme to provide treatment and amenity. Given the flat level of the site the foul drainage will need to be pumped in and discharged to the combined sewer. The re-use of the existing foul pumping stations has been investigated, however, found to be too difficult to retain. As such, the proposed development includes the construction of a new foul water pump station in a central position to minimise the depths of the foul water sewers. Due to this method a 24-hour storage requirement of foul flows would be required in the event of a pump failure. The pump rate would be agreed with NWL through design development.

167. Drainage and Coastal Protection officers have no objection to the proposal subject to a condition requiring precise details of the surface water management scheme.
168. NWL has raised no objections but requests that the development takes place in strict accordance with a particular drainage drawing submitted with the application. This can be secured through condition.
169. 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 35 and 36 and Part 14 of the NPPF.

Landscape and Trees

170. 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.
171. 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.
172. 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.
173. The site is not within any landscape designation. The Durham City Green Belt and an AHLV encircle Gilesgate, Moor End, Carrville and Belmont. At its closest point the Green Belt and AHLV are 355m to the east of the site.

174. There are no TPOs within the site but there are two along the north east boundary at Beechcroft Belmont and Belmont Vicarage and Belmont Grange, Broomside Lane, Belmont, Durham. Some 70m to the north west to the east of Buckinghamshire Road are eight TPOs at Belmont House and in the vicinity of Belmont Court. Nor are there areas of ancient woodland in the vicinity of the site
175. Indicative landscaping plans have been provided to show hard and soft landscaping within the site, including playing fields, pathways and planting. Landscaping would predominantly be trees and greenspace located around the site with some designated soft social spaces as well as a woodland trail and a habitat/environmental resource garden and outdoor kitchen to the east of the primary school. Planting would be used to delineate different play and social spaces with tree planting incorporated where space allows, particularly towards the periphery of the site. Existing vegetation would be retained where possible although the proposed development would require the removal of 45 trees and the removal of hedgerow to allow creation of the new access onto The Links. 35 of the trees are considered to be of moderate quality, 8 are of low quality and 2 require removal regardless of the current proposals.
176. Landscaping details, Tree Survey and Constraints Report and Arboricultural Impact Assessment (AIA), Arboricultural Method Statement and Tree Protection Plan have been submitted in support of the application. The loss of trees and hedgerows would be compensated for through the proposed landscaping scheme and appropriate protection measures put in place for the protection of retained vegetation.
177. Landscape officers have considered the proposals and raised no objections. Conditions are recommended to confirm full details of hard and soft landscape proposals. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. As stated above, details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings.
178. Soft landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.
179. In support of the planting schedule, details of proposed soft landscape management plan should be provided. The soft landscape management plan should include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance should be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. This can be secured through planning condition.
180. The proposed development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with the opportunity to enhancements to the site as part of the development of the site. In addition, there would be appropriate protection of retained trees throughout the construction process. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

181. 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.
182. 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.
183. There are no ecological designations within or immediately adjacent to the proposed site. Some 350m to the south east is The Scrambles Local Wildlife Site (LWS). 1km to the north west is Frankland and Kepier Woods LWS and Ancient Woodland and Frankland Wood Ancient Woodland along the River Wear. 1.4km to the south west is Coalford Beck Marsh LWS. The closest Sites of Special Scientific Interest are located 1.8km to the north west (Brasside Pond SSSI), 2.6km to the north east are Pittington Hill and High Moorsley SSSIs and 2.5km to the south east is Sherburn Hill SSSI and 4km to the south east Crime Rigg Quarry SSSI. The site lies within an identified SSSI Impact Risk Zone relating to the Brasside Pond SSSI present in the wider area, however, development of the nature proposed does not meet the identified impact risk triggers. Given the distance from the other designated sites it is not considered that the propose development would have any adverse impact upon them.
184. An Ecological Impact Assessment incorporating a Preliminary Ecological Appraisal, a Bat Survey and Biodiversity Net Gain Assessment have been submitted in support of the application.
185. The Assessment provides an analysis of baseline conditions for the site and an assessment of habitats and species on the site. It is noted that buildings, hardstanding, grasslands and scrub habitats are considered to be of low value, whilst hedgerows and scattered trees present within the site and around the site boundaries are considered to be of up to local value. The Infant School, Junior school and High School structures are considered to be of moderate suitability to roosting bats. It was found that the site provides opportunities to a range of bird species through hedgerows, scrub and scattered trees. Flat roof structures have the potential to provide nesting opportunities for gull species and the assessment recommends that a bird risk assessment during the nesting season is undertaken to confirm the value of the site to nesting birds. Although the priority species hedgehog was recorded within

the site during two of the transect surveys, the site is considered to be of low value to this species. Due to the nature of the habitats present, other notable or protected species are considered likely to be absent from the site.

186. The Assessment recommends avoidance, mitigation and compensation measures based on the survey work undertaken to date. These include: avoiding external lighting that may affect the site's suitability for bats or ensure it is limited to low level; alternatives to timber treatments that are injurious to mammals will be sought and used on site; any excavations left open overnight to have a means of escape for mammals that may become trapped; retained trees to be protected; no demolition works to the High School or the Infant School to be undertaken prior to a Natural England licence being granted; removal of key features around bat roosts by hand and supervision by a suitably qualified ecologist; works to other structures to be undertaken in accordance with a precautionary method statement in order to reduce the risk to bats ; no works undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent. It is also recommended: that landscape planting should include berry and fruit bearing species to provide increased foraging opportunities in the local area; areas of species rich coarse grassland and native scrub planting be incorporated into landscape plans; consultation with the LPA in order to confirm Net Gain requirements; installation of 20 bird boxes; incorporation of 10 bat roosting features into the proposed structures, and works on site should be undertaken in accordance with a Construction Environmental Management Plan.
187. Results of bat surveys undertaken in August and September have been submitted. Further survey of the buildings is recommended prior to demolition as surveys undertaken in September identified that the buildings have the potential to support bats during the winter hibernation period and during the summer maternity period. As such, further surveys are being carried out to determine the extent of bats present and any required mitigation measures the results of which would be considered as part of the separate demolition application. With the exception of the drama building, which was found not to be suitable for bats, demolition of the existing buildings is subject to a separate planning application. The existing buildings, excluding the drama building, must remain in place for the duration of construction as they will still be required for the school. Accordingly, it is not considered that the application under consideration would result in any interference with protected species.
188. Dusk emergence surveys completed during September 2022 identified the presence of at least one, likely two common pipistrelle day roosts within the existing high school and a common pipistrelle day roost within the existing infant school, which are roosts of local value. The roosts have the potential to support bats during the winter hibernation period and during the summer maternity period and therefore additional survey work is being carried out over the spring/summer to provide clarity on the extent of use of the buildings by bats. The demolition of these buildings therefore cannot be determined until appropriate mitigation measures are identified, through the separate application.
189. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 3.1. The metric advises that the baseline site provides 77.83 habit units and 7.22 hedgerow units. Post development and taking into account the habitat creation set out in the paragraphs above, the site would provide 78.42 habitat units and 15.5 hedgerow units equating to a net gain of 0.58 units or 0.75% for habitat and 8.27 units or 114.55% for hedgerow. In addition, the Assessment advises that the trading rules of the metric have been satisfied.

190. Ecology officers have no objection to the current application for construction of the schools and demolition of the drama building only. Officers note that the BNG report confirms a net gain of 0.75% in habitat and a gain of 114.55% in hedgerows and agree that trading rules have been met. Officers advise a Biodiversity Management and Monitoring Plan (BMMP) that covers a 30 year period from the date the habitats were created is needed. Monitoring should be undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. The BMMP should include any proposed ecological enhancements. A condition is regarded as a suitable mechanism in this case as the Council is the applicant.
191. 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 in its amended form would not impact upon any nationally or locally protected sites or protected species. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity/Sporting Provision

192. 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. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
193. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
194. Part of the site is currently in sporting use, associated with sporting provision for the schools as well as community use. The proposed new school buildings would be built on the existing playing fields to minimise disruption to the schools during this period. This would result in a temporary loss to some of the sporting provision on site however, an existing playing field area will be retained on site which would provide two natural grass pitches and existing courts to the south west corner would also be retained during the construction period. Furthermore, the schools would also have access to an off-site playing field to the north of Broomside Lane and west of the A1. School rebuild proposals are considered against Sport England's playing field policy, exception 4 on the basis that the playing pitch provision would be replaced once the new buildings are completed and the redundant buildings demolished, and this can be secured by planning condition.
195. Once operational, the proposals would result in an overall betterment to the sporting provision on site; the existing playing field area on site (across both schools) is a combined total of 39,942sqm and the proposed playing field provision would increase

to 42,425sqm (an increase of 2,483sqm), which would include a playing field area of 30,986sqm, sports courts and an artificial grass pitch amounting to 11,439sqm.

196. The proposed provision has been designed to meet the school specific brief which outlined a need to provide 11-a-side football, 9-a-side football, rugby, netball, tennis, cricket, general PE, athletics facilities for running, long jump and triple jump and a full sized adult artificial grass pitch for the secondary school, whilst for the primary school, the need was outlined for 7-a-side, 5-a-side, netball, tennis and basketball pitch. In addition, Durham County Football Foundation has identified Belmont has a priority location for a full size 3G pitch given its location and its current local football community engagement. The proposed development would provide a range of outdoor play spaces and pitches that would also be available for community use outside of normal school hours.
197. Sport England raises no objections and considers the proposal to meet exception 4 of Sport England's Playing Fields Policy and Guidance document, this being that the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field. Sport England advises that the absence of an objection is subject to conditions requiring the submission of a detailed assessment of ground conditions and should constraints be identified then a detailed scheme to address these. In addition, a condition requiring the approval of a community use agreement is requested. A condition is also requested details of construction, surfacing, fencing, means of enclosure, floodlighting and line markings for the proposed AGP and MUGAs, along with a condition requiring alternative playing pitch provision.
198. Subject to the site being developed in accordance with the proposed site plan and detailed hard and soft landscaping plans supporting this scheme, as referred to above, it is considered that the temporary loss in open space on the site would be mitigated by the replacement playing field and overall improvement in sports provision on the site in addition to the new schools. It is therefore considered that the proposal would accord with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

199. 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
200. 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.
201. The site is not within a Conservation Area and there are no designated heritage assets within the proposed site. The closest listed buildings are located to the north and north

east. These being the Grade II Old School Community Centre and House Attached approximately 15m to the north and the Grade II Vicarage of St Mary Magdalene with Yard Wall and Gateway 25m to the north in the north eastern part of the site. The Grade II Church of St Mary Magdalene is located approximately 68m to the north of the site to the north of Broomside Lane. 158m to the north is the Grade II Belmont War Memorial. Other listed buildings are some 1.8km distant from the site. The site lies close to the site of Ravensflatt medieval farmhouse. The Durham City Conservation Area lies over 1.6km to the south west with Sherburn House Conservation Area to the south and Sherburn Conservation Area 1.3km to the south east. The Durham Castle and Cathedral World Heritage Site is 3km to the south west with the World Heritage Site Inner Setting being closer at 1.4km to the south west. Kepier Hospital Scheduled Monument lies 2km to the west and Maiden Castle promontory fort.

202. The submitted application considers the impact upon the setting of nearby listed buildings. Although the site may be viewed in the context of the setting of the nearby listed buildings to the north of the site separated by distance, existing built development and trees, the proposed use remains the same as the existing. The proposed development would replace the existing run-down buildings with contemporary and high-quality buildings with appropriate materials and colours. As a result, it is not anticipated that there would be any harm to the setting of the nearby listed buildings.
203. Design and Conservation officers have reviewed the impact of the proposal on the adjacent listed buildings to the north of the application site and conclude that there would be no harm to their setting. Officers note that that there are four Grade II listed buildings within a distance where an impact on setting could arise, these being the Vicarage of St Mary Magdalene with yard wall and gateway, Old School Community Centre and attached house, the Church of St Mary Magdalene and at distance, Belmont War Memorial. The war memorial is divorced from the application site and separated by vegetation and built development on this basis it is concluded that there would be no impact or harm. The other three listed buildings could conceivably be understood in the same visual envelope meaning setting could be affected. On greater consideration and in light of the improvement in the quality and materiality of the site buildings any impact would be marginal and positive, on this basis there is no harm to setting in relation to listed building which is considered to be preserved.
204. Archaeology officers have also considered the proposals and due to the size of the area that would be affected by the proposed works and its potential to contain archaeological remains, advised that evaluation by means of geophysical survey followed up by trial trenching should be undertaken. The results would determine if any further archaeological works would be required prior to development commencing. Officers initially recommended conditions requiring a Written Scheme of Investigation (WSI) setting out a phased programme of archaeological work and reporting and archiving. In response, the applicant has submitted a WSI for an archaeological evaluation excavation which Archaeology officers consider to be acceptable. Officers note that further works may be required as a mitigation strategy, or part thereof, if archaeological remains are encountered during the evaluation.
205. It is considered that, subject to conditions, the proposal would cause no harm to heritage assets or archaeological remains in accordance with CDP Policy 44 and Part 16 of the NPPF and the Listed Building Act.

Other matters

206. The site lies within the mineral safeguarding area for coal as defined in the County Durham Plan and the south eastern corner of the site lies within an area identified for glacial sand and gravel. CDP Policy 56 advises 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 or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following apply: a) it can be demonstrated 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; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in appendix C of the Plan. Given the location of the site, the existing and proposed use of the land as well as the likely quality of mineral within the site, it is high unlikely that mineral extraction would be appropriate or viable in this is location. Furthermore, in line with criteria d) it can be argued that there is an overriding need for the provision of new schools on an existing site which outweighs the need to safeguard the mineral. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.
207. The site lies within the consultation area of the High Moorsley Metrological Office for any building/works exceeding 45.7m above ground level. The Metrological Office has advised that it has no objections to the proposal. There would therefore be no conflict with CDP Policy 28 or the NPPF.
208. There are no recorded public rights of way within or in the immediate vicinity of the school grounds. There is no information as to whether any part of the school grounds is subject to unrestricted public access. Public rights may be accrued by 20 plus years uninterrupted use however the Council currently has no user evidence on file in support of one or more public rights of way over this land. Access & Rights of Way officers raise no objection to the proposals. The development would not conflict with CDP Policy 26 and Part 8 of the NPPF.
209. CDP Policy 27 addresses with utilities, telecommunications and other broadcast infrastructure and 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. In the case of the current planning application the ducting and containment would be provided by M&E to allow highspeed broadband services to be installed to the primary school and secondary school server room and enable the schools chosen ISP (Internet Service Provider) to install the high-speed broadband fibre cable. It is the schools responsibility as the bill payer to procure the broadband solution from their chosen ISP but the infrastructure would be installed to allow the installation. The development would not conflict with CDP Policy 27 and Part 8 of the NPPF.

210. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.
211. Cleverley Park Medical Centre has been provided with a response to the matters raised in relation to drainage arrangements, privacy, trees on the school site and noise during building operations. New drainage arrangements would be installed as part of the new development and any current issues should be discussed outside of the application. The distance from the Medical Centre to the proposed primary school would be approximately 23.5m from the Centre and existing vegetation would assist in screening. In terms of trees between the school and the Centre would be retained but works to the trees can be considered outside of the application. With regard to noise during building works, the proposed Construction Method Statement which would seek to limit and control impacts of construction works.

Public Sector Equality Duty

212. 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.
213. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

214. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
215. proposed development would provide a modern, efficient primary and secondary school within Belmont on a site currently in use for education purposes. The proposed development would provide a significant benefit to the community, would be sustainable and well designed, and in keeping with and complementary to its surroundings.
216. Consideration has been given to the principle of the development and the impact of the proposals in terms of layout and design, locational sustainability of the site, renewable energy, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, recreational amenity/sports provision, cultural heritage and other matters. The development has been assessed against relevant development plan policies and material considerations and, subject to conditions where appropriate, the impacts are considered to be acceptable.
217. 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 benefits of the scheme in terms of modern education provision.
218. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

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

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

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

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

Reason: To ensure the development is carried out in accordance with the approved documents.

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

REFERENCE	DRAWING / DOCUMENT TITLE
Plans	
LA0001-NOR-XX-ZZ-D-A-90000 Rev A03	Site Location Plan
LA0001-BGP-00-ZZ-D-C- 165000_C03	Overall Proposed Drainage GA
LA0001-ONE-ZZ-ZZ-D-L-015000- C07	Site Landscape Plan
LA0001-ONE-ZZ-ZZ-D-L-015110- C03	HardLandscapeGA-Sht1
LA0001-ONE-ZZ-ZZ-D-L-015111- C05	HardLandscapeGA-Sht2
LA0001-ONE-ZZ-ZZ-D-L-015112- C04	HardLandscapeGA-Sht3
LA0001-ONE-ZZ-ZZ-D-L-015113- C04	HardLandscapeGA-Sht4
LA0001-ONE-ZZ-ZZ-D-L-015114- C04	HardLandscapeGA-Sht5
LA0001-ONE-ZZ-ZZ-D-L-015115- C04	HardLandscapeGA-Sht6
LA0001-ONE-ZZ-ZZ-D-L-015600- C04	Fencing Strategy
LA0001-ONE-ZZ-ZZ-D-L-018000- C04	Site Sections
LA0001-ONE-ZZ-ZZ-D-L-019700- C04	Whole Site Plan Illustrative
LA0001-ONE-ZZ-ZZ-D-L-020100- C04	External Sports Provision
LA0001-ONE-ZZ-ZZ-D-L-020110- C03	External BB103Provision
LA0001-ONE-ZZ-ZZ-D-L-020200- C03	Green Infrastructure Strategy
LA0001-ONE-ZZ-ZZ-D-L-033800- C03	Site Access Plan
LA0001-ONE-ZZ-ZZ-D-L-233001- C03	OutlineLevelsSht1
LA0001-ONE-ZZ-ZZ-D-L-233002- C03	OutlineLevelsSht2
LA0001-ONE-ZZ-ZZ-D-L-233003- C03	OutlineLevelsSht3

REFERENCE	DRAWING / DOCUMENT TITLE
LA0001-ONE-ZZ-ZZ-D-L-233004-C03	OutlineLevelsSht4
LA0001-ONE-ZZ-ZZ-D-L-233005-C04	OutlineLevelsSht5
LA0001-ONE-ZZ-ZZ-D-L-233006-C03	OutlineLevelsSht6
LA0001-ONE-ZZ-ZZ-D-L-642001-C04	FireStrategy-Site
LA0001-ONE-ZZ-ZZ-D-L-152001-C02	Planting Strategy
LA0001-ONE-ZZ-ZZ-T-L-010300-C01	Outline Specification
LA0001-NOR-01-00-D-A-019800 P - Rev A	GENERAL ARRANGEMENT FLOOR PLANS - GROUND FLOOR
LA0001-NOR-01-00-D-A-019804 P – Rev A	GENERAL ARRANGEMENT FLOOR PLANS - GROUND FLOOR
LA0001-NOR-XX-00-D-A-019807 P – Rev A	GENERAL ARRANGEMENT FLOOR PLANS - GROUND FLOOR
LA0001-NOR-XX-01-D-A-019801 P – Rev A	GENERAL ARRANGEMENT FLOOR PLANS - GROUND FLOOR
LA0001-NOR-XX-01-D-A-019805 P -Rev A	GENERAL ARRANGEMENT FLOOR PLANS - FIRST FLOOR
LA0001-NOR-XX-02-D-A-019802 P – Rev A	GENERAL ARRANGEMENT FLOOR PLANS - FIRST FLOOR
LA0001-NOR-XX-RF-D-A-019803 P – Rev A	GENERAL ARRANGEMENT FLOOR PLANS - SECOND FLOOR
LA0001-NOR-XX-RF-D-A-019806 P – Rev A	GENERAL ARRANGEMENT FLOOR PLANS – ROOF
LA0001-NOR-XX- ZZ-D-A-018100 P -Rev A	GENERAL ARRANGEMENT FLOOR PLANS – ROOF
LA0001-NOR-XX-ZZ-D-A-018110 P – Rev A	GENERAL ARRANGEMENT BUILDING SECTIONS
LA0001-NOR-XX- ZZ-D-A-018120 P – Rev A	GENERAL ARRANGEMENT BUILDING SECTIONS
LA0001-NOR-XX-ZZ-D-A-019400 P Rev A	GENERAL ARRANGEMENT BUILDING SECTIONS
LA0001-NOR-XX-ZZ-D-A-019410 P – Rev A	GENERAL ARRANGEMENT BUILDING ELEVATIONS
LA0001-NOR-XX-ZZ-D-A-019420 P -Rev A	GENERAL ARRANGEMENT BUILDING ELEVATIONS
LA0001-NOR-XX-ZZ-D-A-019809 P – Rev A	GENERAL ARRANGEMENT BUILDING ELEVATIONS
	ENERGY CENTRE GENERAL ARRANGEMENT INFORMATION
Documents	
Dust Management Plan Revision A by Kier	
Construction Logistic Plan Revision A by Kier	
Construction Method Statement by Kier V2	
Design and Access Statement Rev B by Norr	
Transport Assessment JN2475-Rep-0002.2 October 2022 by SAJ	
Travel Plan – Belmont C of E Primary School JN2475-rep-0001.4 October 2022 by SAJ	
Travel Plan – Belmont Community School JN2475-rep-0004.4 October 2022 by SAJ	
Air Quality Assessment LA0001-APX-ZZ-ZZ-T-X-353003-C02 December 2022 by Apex	
Pre-development Tree Survey ARB/AE/2820 March 2022 by Elliot Consultancy	
Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan ARB/AE/2820 October 2022 by Elliot Consultancy	

REFERENCE	DRAWING / DOCUMENT TITLE
	Ecological Impact Assessment October 2022 V2 by OS Ecology
	Biodiversity Net Gain Assessment V1 October 2022 by OS Ecology
	Flood Risk Assessment LA0001-BGP-ZZ-ZZ-T-C-009901_C01 by BGP
	Drainage Philosophy LA0001-BGP-ZZ-ZZ-T-C-009900_C01 by BGP
	Preliminary Investigation D10012 Belmont School by Dunelm
	Geoenvironmental Appraisal DUN_D10505_report_01_00 by Dunelm
	Gas Risk Assessment DUN_D1505_GRA Belmont School_00 by Dunelm
	External Lighting Assessment Report 2322-DES-ZZ-XX-RP-E-6301 Rev 01 Issue No.02
	Noise Impact Assessment LA0001-APX-ZZ-ZZ-T-X-353002-C01 October 2022 by Apex
	Energy Strategy LA0001-DES-ZZ-ZZ-T-Z-007901 – Energy Strategy Report – A3-C01 Issue 2 27/09/2022 by Desco
	Planning Statement R001 V2 by DPP

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 26, 27, 28, 29, 31, 32, 33, 35, 36, 39, 40, 42, 43, 44 and 56 of the County Durham Plan and Parts 2, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.

4. The approved Construction Method Statement (also referred to as a Construction Management Plan), Construction Logistics Plan and Dust Management Plan shall 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 6, 21, 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. The new access to The Links as shown on Drawing No. LA0001-ONE-ZZ-ZZ-D-L-033800-C03 Site Access Plan, shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The new access shall be constructed prior to the commencement of the development and in accordance with the approved details.

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

6. Construction operations shall only take place within the following hours:
 - 08:00 to 18:00 Monday to Friday
 - 08:00 to 13:00 Saturday

Noisy operations as defined in the Construction Method Statement by Kier V2 shall only take place within the following hours:

- 09:00 to 17:00 Monday to Friday

No 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.

7. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources and to ensure foul and surface water are appropriately managed on site in accordance with County Durham Plan Policies 35 and 36 and Part 14 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure a suitable scheme is agreed to prior to commencement of the development.

8. 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 prepared by a suitably competent person and include an updated Phase 2 site investigation and ground gas risk assessment. If the Phase 2 site investigation identifies any unacceptable risks, a Phase 3 remediation strategy shall be prepared by a suitably competent person (including a programme of implementation and where necessary gas protection measures and method of verification) and submitted for approval by the Local Planning Authority.

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 County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

9. All remediation works shall be carried out in accordance with the approved remediation strategy prepared by a suitably competent person. The development shall not be brought into use until a Phase 4 verification report 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 County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework.

10. No development above damp course shall be commenced until precise details of the colours and finishes for all buildings, external plant and machinery including photovoltaic panels shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with the approved details.

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.

11. Prior to the development being brought into use full details of hard and soft landscape proposals shall be provided to the Local Planning Authority for approval in writing. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter

relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers and details of the maintenance of the landscaping. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The landscaping shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 6, 29 and 39 and Parts 12 and 15 of the National Planning Policy Framework.

12. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: In order to protect amenity in accordance County Durham Plan Policies 6, 29 and 31 and Part 15 of the National Planning Policy Framework.

13. The external sports facilities shall be available for community use between the following hours:
 - 17:00 – 21:05 hours Monday to Thursday
 - 17:00 – 22:00 Friday
 - 09:00 – 22:00 hours Saturday
 - 09:00 – 21:05 hours Sunday
 - 09:00 – 21:05 hours Bank Holidays and Public Holidays.

Reason: In order to protect amenity in accordance County Durham Plan Policies 29 and 31 and Part 15 of the National Planning Policy Framework.

14. No external lighting shall be erected/installed until a detailed lighting scheme for the development based upon the 'External Lighting Assessment Report prepared by Desco Issue No. 2 dated 19 October 2022, has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: To confirm the final precise lighting proposals having regards to residential amenity and biodiversity having regards to Policies 6, 29, 31 and 41 of the County Durham Plan and Parts 12 and 15 of the NPPF.

15. The floodlighting for the Artificial Grass Pitch shall be switched off by 21:05 hours Sunday to Thursday and by 22:00 hours Friday and Saturday.

Reason: In order to protect amenity in accordance County Durham Plan Policies 6, 29 and 31 and Part 15 of the National Planning Policy Framework.

16. Prior to commencement of the development a Biodiversity Management and Monitoring Plan (BMMP) covering a 30 year period from the date the habitats were created shall be submitted to the Local Planning Authority for approval in writing. Monitoring should be undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. The BMMP should include any proposed ecological enhancements.

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition as the Biodiversity Management and Monitoring Plan must be devised prior to the development being implemented.

17. Prior to first occupation of the development hereby approved, the proposed carparks shall be laid out and ready for use in accordance with details approved by the Local Planning Authority. The carparks shall be retained for use in perpetuity thereafter.

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.

18. Prior to first occupation of the development hereby approved, a scheme indicating the locations of 8no. electric car charging points across the site shall be submitted to and agreed in writing by the Local Planning Authority, with charging points installed to an agreed timetable. The charging points shall be retained for use in perpetuity thereafter and maintained.

Reason: In order to encourage sustainable means of travel in accordance with County Durham Plan Policy 21 and Part 9 of the NPPF.

19. Prior to first occupation of the development hereby approved, a scheme indicating the locations of all cycle parking points across the site shall be submitted to and agreed in writing by the Local Planning Authority, with the cycle parking points installed to an agreed timetable. A minimum of 22no. cycle parking shall be located adjacent to the primary school and a minimum of 73no. spaces adjacent to the secondary school. The cycle parking points shall be retained for use in perpetuity thereafter and maintained.

Reason: In order to encourage sustainable means of travel in accordance with County Durham Plan Policy 21 and Part 9 of the NPPF.

20. Prior to first occupation of the development hereby approved, works required by Section 278 of the Highways Act 1980 (as amended) comprising school keep clear markings and installation of new School Safety Zone to The Links shall be implemented.

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.

21. A phased programme of archaeological work shall only be carried out in accordance with the Written Scheme of Investigation for an Architectural Evaluation Excavation prepared by The Archaeological Practice dated February 2023. Should significant archaeology be encountered then an update to the Written Scheme of Investigation shall be submitted for approval in writing to the Local Planning Authority and adhered to thereafter.

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.

22. 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 record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible in accordance with County Durham Plan Policy 44 and Part 16 Paragraph 205 of the National Planning Policy Framework.

23. No development affecting the application site's existing playing field land (or leading to the cessation of use of playing field land) shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- i. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, and the eastern area of cricket pitch outfield, which identifies constraints which could adversely affect playing field quality; and
 - ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose in accordance with County Durham Plan Policy 26 and Part 8 of the National Planning Policy Framework.

24. Use of the development shall not commence until a community use agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to all indoor and out sports facilities and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with County Durham Plan Policy 26 and Part of the National Planning Policy Framework.

25. Within 9 months of the commencement of development details of the construction, surfacing, fencing, means of enclosure, floodlighting and line markings for the proposed artificial grass pitch (AGP) and MUGAs shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The AGP and MUGAs shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with County Durham Plan Policy 26 and Part 8 of the National Planning Policy Framework.

26. No development shall commence until alternative playing pitch provision has been identified and agreed with the community football teams that use the application site, after consultation with Sport England. The agreed pitches shall be made available for use by the teams upon the commencement of development and shall remain available for use by the teams until the approved replacement paying field has been brought into use

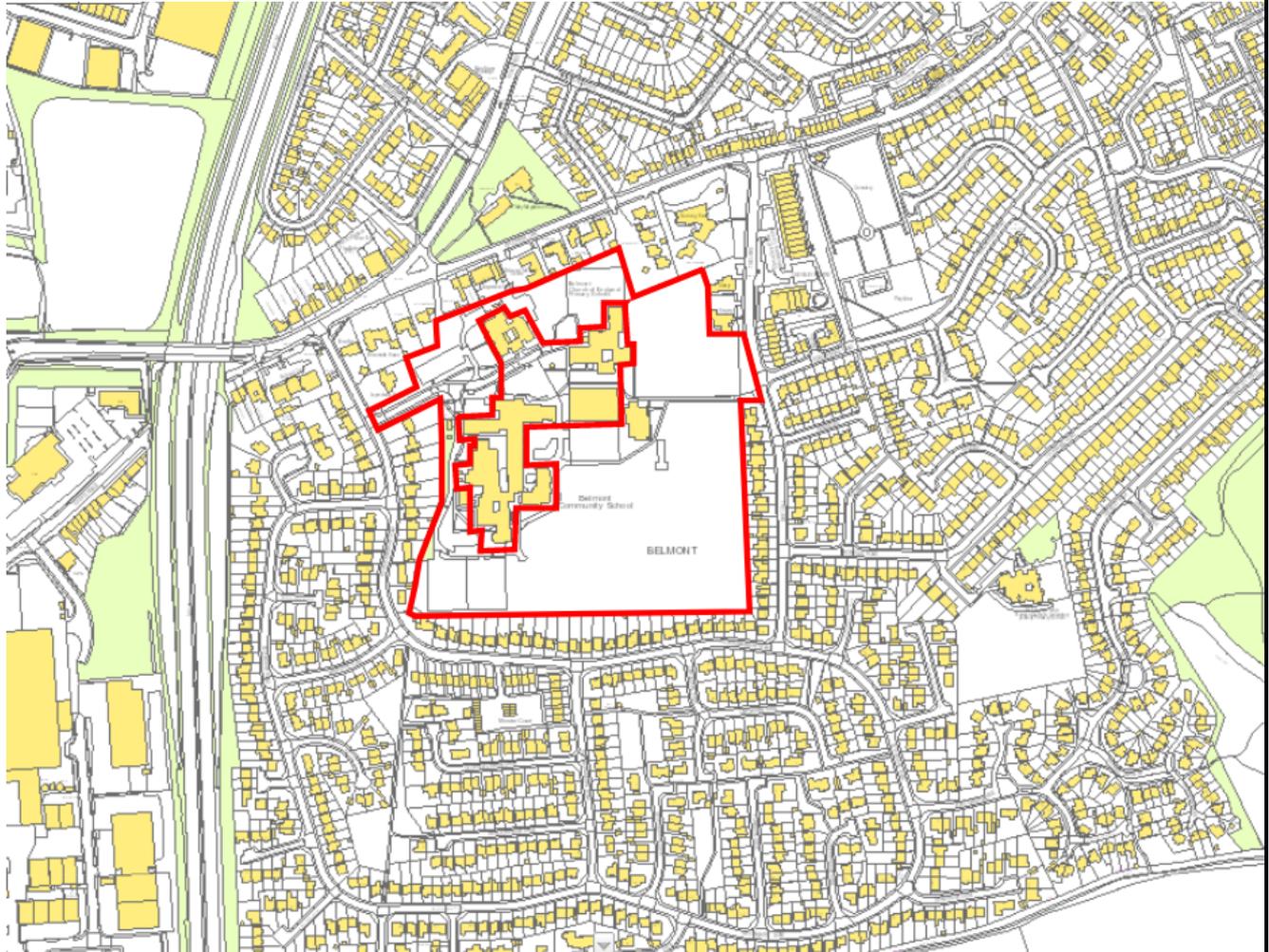
Reason: To ensure that community sports teams are not adversely affected by the development and to accord with County Durham Plan Policy 26 and Part 8 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that community sports teams are not adversely affected by the development.

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
- Statutory, internal and public consultation response



Planning Services

DM/22/03248/FPA

Construction of a new two-storey primary school building, a three-storey secondary school building, and a one-storey, double-height sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block (Amended description) – Belmont Church Of England Junior School, at Buckinghamshire Road, Belmont, Durham, DH1 2QP

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Comments

Date February 2023

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/03374/RM
FULL APPLICATION DESCRIPTION:	Submission of reserved matters (layout, scale, appearance and landscaping) in relation to the construction of new Community Hospital and associated energy centre of DM/22/01630/VOC (mixed use scheme) and submission of details pursuant to conditions 5,7,9,10,11 and 12 of DM/22/01630/VOC relating to Construction management plan, site investigations, drainage details, noise, and engineering details of internal roads.
NAME OF APPLICANT:	County Durham and Darlington NHS Foundation Trust
ADDRESS:	Land to the south of Puddlers Corner Roundabout, Genesis Way, Consett
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Louisa Ollivere Senior Planning Officer Telephone: 03000 264868 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site forms part of an agricultural field to the south and west of the A692 Rotary Way / Consett Road, south west of Consett, a large town in the north west of the County. Woodland encircles the site to the east, west, south and partly to the north, where the tree belt is formed of planting established since the construction of A692 Town Centre Bypass in 1990/91. Puddlers Corner roundabout lies to the northern point of the application site and provides wider vehicular access to the rest of Consett and beyond. The northern boundary to the A692 is more open, featuring a standard agricultural fence line; however, the A692 starts to descend on its route to The Grove/ Castleside westward while the field remains relatively level and so the application site appears elevated from views along the A692 and further north including Tesco and Starbucks opposite the site.
2. To the southern boundary, the Consett and Sunderland Railway Path runs south west/ north east and which forms part of the 'Coast 2 Coast' or 'C2C' cycle route, with the Terris Novalis sculptures positioned to artificial high ground to the eastern boundary of the site. Hownsgill Industrial Estate lies beyond the railway path to the south, with Hermiston Retail Park and housing located across from public highway

which passes the site further to the east, all within 500 metres of the site boundary. The site historically formed part of the wider former Consett Steel Works that was cleared and restored in 1980-82.

3. The site is located approximately 1km (just over half a mile) east of the Grove Ponds Local Wildlife Site (LWS) and north of Knitsley and High House Wood LWS, north of The Grove but accessible via the road and public footpath network. National Cycle Network Routes 7 and 14 run near to the application sites along railway paths around the site, with an NCN Link route running along the northern side of the A692.

Proposal and background

4. In February 2020 outline planning permission was granted for a mixed-use scheme comprising: community hospital (C2) and pharmacy (A1); sheltered care unit (C2); residential care unit (C2); gym and wellbeing centre (D2); hotel (C1); public house (A4); micro-brewery (B2/A4); and vets practice (D1) with all matters reserved apart from the access. The scheme proposed a pub, hotel and micro brewery in the northern section of the site, the hospital, gym and vet surgery in the central section of the site around a circular area of open space and sheltered area and a residential care unit in the southern section of site with landscape buffer zones within and surrounding the site. The scheme was subject to a number of conditions, including conditions relating to the technical approval of the site access and highway improvement measures at four junctions in Consett area.
5. Earlier this year permission was granted to amend the Landscape Strategy Masterplan which detailed new development zones on the site with the hospital relocating northwards adjacent to the A692 with areas of open space, the gym, leisure facility and vets relocating to the south section of the site. Access to the site was originally secured off the A692 via a new roundabout however permission was granted last year to amend the access to a signalised junction. The Outline permission was also varied to require certain matters that required conditions to be discharged to be included as part of the reserved matters application(s) for the relevant phase.
6. This application seeks reserved matters approval for the details of the layout, scale, appearance and landscaping for the northern part of the site which now includes the new Community Hospital and associated energy centre and approval of details relating to construction management, site investigations, drainage details, noise and engineering details of internal roads in relation to this part of the site.
7. The proposed site layout reflects the landscape strategy amended earlier this year. The Hospital building is proposed adjacent to the A692 towards Castleside and would have a south western orientation with a main south western entrance although there is a secondary pedestrian entrance on the north eastern elevation facing the Hermiston Retail Park. The associated Energy Centre building that would serve the Hospital would be located to the south of the Hospital. The proposed Hospital building would be 2/3 storeys in height and would be constructed in buff brick, concrete and metal. The Hospital layout involves a simple rectangular building centred around two courtyards. The design includes contemporary architecture with large areas of glazing, open interiors in common spaces, flat roofs and sustainable design features. The building design would incorporate passive design solutions, air source heat pumps and the roof would include photovoltaics. The Energy Centre is a simple two storey building located immediately to the south of the hospital and would accommodate the main heating and domestic hot water plant, mains water storage tanks and H/LV substation, generator and medical gases plant. The energy centre external roof space is proposed to house Air Source Heat Pump equipment. Parking

and landscaped areas are located to the south and west of the buildings. The main access road into the site would be subject of a future infrastructure reserved matter application expected shortly.

8. This application is being considered by committee at the request of a Local County Councillor due to highway concerns.

PLANNING HISTORY

9. On 4th February 2020, outline planning permission was granted for a mixed-use scheme comprising: community hospital (C2) and pharmacy (A1); sheltered care unit (C2); residential care unit (C2); gym and wellbeing centre (D2); hotel (C1); public house (A4); micro-brewery (B2/A4); and vets practice (D1).residential development of up to 100 units (outline with all matters reserved apart from access). (DM/19/01987/OUT)
10. On 9th March 2022 a Non material amendment to conditions 6 and 7 of planning permission DM/19/01987/OUT was approved to allow remediation works to commence in advance of full engineering details being submitted and agreed for the proposed new roundabout, and to allow for the submission and approval of a construction management plan prior to each separate phase of the development (DM/22/00405/NMA).
11. On 19th July 2022 the variation of Condition Number(s): 2, 5, 6, 7, 12 and 16 of DM/19/01987/OUT was approved to insert wording relating to 'each phase' of the development; to reflect changes to the site access arrangement; and position of development zones on the site (DM/22/01630/VOC)

PLANNING POLICY

NATIONAL POLICY

12. The following elements of the National Planning Policy Framework (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 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.

16. *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.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; travel plans, 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

22. *Policy 6 - Development on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or

recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.

23. *Policy 10 - Development in the Countryside.* 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; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
24. *Policy 21 - Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
25. *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.
26. *Policy 29 - Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
27. *Policy 31 - Amenity and Pollution* states that new 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 should be integrated effectively with any existing business and community facilities.
28. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
29. *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.
30. *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.

31. *Policy 39 - Landscape* 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
32. *Policy 41 - Biodiversity and Geodiversity* states that proposal 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.
33. *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.

Neighbourhood Plan

34. None applicable for the area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *The Highway Authority* – Have no objections but advise that the traffic signalised junction as part of the Section 278 Highways Agreement scheme on the A692 is progressed prior to the commencement of the on-site works set out in the Traffic Management Plan.
36. *The Coal Authority* – Are satisfied that the first part of condition 9 of the outline consent has been satisfactorily addressed but advise that condition 9 will not have been complied with in full until the remedial works have been implemented.
37. *Drainage and Coastal Protection* – Accept the drainage strategy in principle provided there is a condition to secure the site wide drainage system is constructed and available for connections from this development at an appropriate time and that the discharge rate from the hospital site be limited.
38. *Northumbrian Water* – Advise that the applicant will need to demonstrate to the LLFA that they have suitable onsite storage to effectively manage the flows on site via SuDS features.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation* – Advise that the submitted plans are a detailed reflection of the concept sketches submitted at the pre-application stage. It is considered that the building is of human-scale with a legible entrance, avoiding the need for overuse of signage. Whilst the distribution of fenestration is not necessarily ordered, the Officer welcomes the verticality and rhythm to the elevations through detailing. It is considered that the applicant has identified the positive elements of local vernacular within the wider Consett area and the design responds appropriately to the proportions and material palette whilst introducing contemporary architecture.

With regard to the wider site layout, and in particular the use of landscaping to soften parked cars and pedestrian routes to the building, it is noted that a landscape plan has been submitted indicating softening.

40. *Ecology* – Are satisfied with the information submitted.
41. *Landscape Officer* – Notes that the site has been divided into character zones with different planting mixes and it is considered that this would address the scale and purpose of each space and assist with orientation and way finding. It is considered that the proposed mix of ornamental shrubs trees and grasses would provide year-round colour, contrasting textures and interest which would be beneficial to users of the site. It is considered that the planting strategy shows a diverse range of plants, and this approach would be beneficial to establishment. It is considered that a comprehensive outline specification for the establishment of the landscape scheme is provided on the drawing.
42. *Environmental Health (Air Quality)* – Officers are satisfied with the updated air quality assessment and agree with the conclusion that there will be no significant impacts in terms of air quality.
43. *Environmental Health (Contaminated Land)* – Are satisfied with the information provided and the proposed remediation works. The Officer requests a condition should be applied requiring a verification report to be submitted prior to the use commencing.
44. *Environmental Health (Nuisance)* – The Officer notes that proposed development is in a reasonably urban area with both busy roads, commercial/industrial/retail areas nearby, therefore it is envisaged relevant impacts will be within reasonable parameters given the character of the area. Whilst is noted there are residential houses around 300m away, given the character it is not expected the addition of a hospital will have a significant impact on them. The submitted Construction Management Plan is considered to be satisfactory.
45. *Sustainable Development and Energy Officer* – No comments received.
46. *Spatial Policy* – Advise that this site is included in the Project Genesis site, which is designated under Policy 2 of the CDP for mixed use development, provided the development accords with relevant development plan policies. Whilst Policy 2 recognises the development potential of the Genesis site, the Officer advises that this application site is not allocated for a specific use/uses and development would therefore need to accord with the relevant general criteria set down under Policy 6. Whilst many of these matters have been considered under the existing Outline Permission, the Officer recognises that some criteria are relevant to reserved matters consideration including criteria 'd' which aims to ensure a form of development which is appropriate in terms of scale, design, layout, and location to the character,

function, form and setting of, the settlement and criteria h which requires proposals ensure they minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.

The Officer recommends that consideration be given to simplifying the geometric form of the building and the need for screening of plant and equipment on the roof.

The Officer welcomes that the building will be designed to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'excellent' and aspire to achieve 'zero carbon' as this exceeds the minimum requirement set down in Policy 29. Further measures are noted in the Statement ensuring alignment with the requirements set down under Policy 29 and criteria 'h' of Policy 6.

It is advised that the proposal will need to comply with the landscape criteria of Policy 29 which compliments the requirements set down under Policy 39.

It is advised that the scheme accords with criteria 'e' Policy 29, including for example in terms of lighting, noise and air impacts and the requirements set down under Policy 31 of the CDP.

It is advised that the scheme accords with Policy 21 in relation to sustainable transport. The Officer advises that in addition to the single main access there is an opportunity to provide a more direct pedestrian/cycle route into the northern-most corner of the site.

It is advised that the scheme needs to demonstrate that it meets the requirements of Policy 35, including requirements for SuDs given historic evidence of overland flow across the site.

The Officer advises that Policy 32 is applicable on the basis that the application lies within a Coalfield Development High Risk Area and given previous heavy industry uses. As the land is within the Minerals Safeguarding Area, the Officer advises that an assessment against the requirements of Policy 56 of the County Plan is also required. Further relevant policy requirements include in terms of biodiversity (Policy 41) of the CDP.

47. *Sustainable Travel Officer* – No comments received.
48. *Targeted Recruitment Officer* - No comments received.
49. *Monitoring and Compliance Officer* – Advise that the submitted information details key issues in line with the Durham County Council CDMP guidance.

Other Consultees:

50. *County Durham Fire And Rescue* – No comments received.
51. *Police Architectural Liaison Officer* – Advise that they have had extensive involvement with the proposed development and have no further comments to make.
52. *Sustrans*- No comments received.
53. *NEDL* – No comments received.

PUBLIC RESPONSES:

54. A total of 2 representations have been received from members of the public in response to the consultation exercise. The grounds of objection and concerns raised in relation to the application are summarised below:
- The end parking bay of each block of parking will be almost impossible to use without causing serious damage to tyres (and to the soft landscaping). The layout shows 90 degree corners in each case (tyre shredders) instead of radius kerbs (minimum 1 metre) to allow vehicles to safely negotiate the corner. The same error occurs at the ambulance charging bay.
 - The sustainability statement refers to capability to connect to a local heat network supplied by a proposed Energy Park (incinerator) that is subject of appeal and details no such connectivity and would be opposed given level of opposition to the incinerator and it would result in disruption of local amenities such as the C2C cycle route and other facilities.
 - The hospital should not rely on external sources for energy but it should be incorporated into the design.
 - How can the design of the overall scheme be cohesive if it is undertaken in phases.
 - The existing roundabout at Puddlers corner may struggle to cope with the additional traffic.
 - The land should be transferred to the NHS rather than leased to avoid ongoing charges to the NHS for its use.

APPLICANT'S STATEMENT:

55. The proposed new development on this site in Consett will replace the existing Shotley Bridge hospital with a high quality, fit for purpose new facility that will meet the needs of the local population in North Durham. In addition to the above, the funding will be allocated by the New Hospitals Programme.

There is strong national and local planning policy support for this type of development. Section 8 of the NPF encourages planning decisions to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. It goes on to note that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

The Spatial Vision of the County Durham Plan (CDP) seeks to improve people's quality of life and reduce health inequalities. This is bolstered by the objectives of the CDP, which seek the following:

- Objective 4 – enable the delivery of the necessary infrastructure such as healthcare, which is required to support new and existing development and the economic, social and environmental ambitions of the county.
- Objective 13 – ensure that the regeneration needs of County Durham's communities are met in order to reduce deprivation, improve health and address social, economic and environmental inequalities.
- Objective 14 – enhance, amongst others, healthcare facilities to contribute to the quality of life, satisfaction and health and well-being of people who live, work within and visit County Durham, including addressing the needs of those with physical and mental disabilities.

The Site is allocated under Policy 2 of the CDP for a mixed-use development on the Land at Derwent View site which, as outlined above, includes the development of a community hospital.

Development proposals which enhance medical facilities, and provide community and social infrastructure to cater for the needs of existing communities and future populations, are clearly supported in planning policy at all levels and therefore the principle of this development is not only acceptable, it is strongly supported and should be approved without delay.

The proposals will result in a number of benefits to the local community, as summarised below:

- Following extensive public engagement over a number of years, the scope of the Shotley Bridge Community Hospital redevelopment has been modelled around the current and future provision of clinical services that compliment and support the wider healthcare system, not just in County Durham but across the Integrated Care System;
- North West Durham has seen the highest rate of population growth than that of County Durham and North East as a whole (North West Durham -10.8%, County Durham -6.1% and North East -4.1%). In addition, a total of 70% of the key poor health and disease indicators are worse in North West Durham than rest of England. This demographic and disease profile support the need for maintaining and improving local access to healthcare services to the population of North West Durham;
- The clinical strategy has been developed following a rigorous review of existing clinical services at Shotley Bridge Community Hospital, informed by the former Clinical commissioning Group and more recently Integrated Care System and aligned with the County Durham and Darlington NHS Foundation Trust's key plans to deliver "safe, compassionate, joined up care";
- There is significant public interest in maintaining local services and this is aligned with national policy drivers to deliver integrated services centred on patient need, tackling health inequalities, with new models of care delivered locally, best fit to address the care and quality gap;
- The clinical model has been entirely clinically led and determined by individual service forward plans based on activity demands, technology and innovation, commissioning landscape and patient/health need demographic;
- All existing commissioned services will transfer and, where clinically informed and strategically justified, will offer improved access. These improvements include increased Urgent Treatment Centre footprint modelled around the patient pathway, increased chemotherapy provision improving access across County Durham & Darlington and in a bespoke environment, increased diagnostics access, improved and increased family health services (to include gynae procedures), there will be medical day unit provision to support the increasing demands, combined therapy suite, and a 16 bedded ward;
- The development of the site will also have direct benefits in the form of construction jobs during the construction period;
- The substantial on-site biodiversity net gains delivered on the site through the proposed landscaping scheme will create additional habitats in the area and tie into the biodiversity for the wider Masterplan; and
- The development will result in the creation of a high-quality sustainable building in terms of energy efficiency and sustainable construction with a focus on net zero carbon. This will incorporate high standards of building materials and fabric, and will seek to optimise the use of solar panels and air source heat pumps.

The development will result in substantial public benefits. In addition, and as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RLCL1FGDHL600>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, and bearing in mind that as an outline approval for a mixed-use scheme which comprised the proposed community hospital use alongside other uses and details of access, the principle of the development and access have been accepted and cannot be reconsidered. The main planning issues in this instance therefore relate to the reserved matters of layout, scale, appearance and landscaping of the development and these issues are design, impacts upon landscape, ecology and sustainable transport and public sector equality duty, and, as the developers are seeking to discharge conditions of the earlier approval other issues to consider include amenity and pollution considerations, drainage and highway safety.

Principle of the Development

57. As noted above, outline planning permission has previously been granted in February 2020 along with the access to the site via a three armed roundabout. This outline permission was later varied in 2022 to allow conditions to be discharged on a phased basis and to amend the access to a signalised junction. Therefore the principle of development and its access have been established. The present application essentially seeks agreement of details in respect of appearance, layout, scale and landscaping for this phase of the site and also seeks to discharge conditions 5,7,9,10,11 and 12 of that approval for this phase relating to Construction management plan details, site investigations, drainage details, noise details and engineering details of internal roads within the phase. The access road into the site will be subject of a separate reserved matter application. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated matters are not relevant to this application.

Appearance

58. 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. Policy 29 also requires well designed buildings, with natural surveillance, where possible, and that major developments such as this to achieve a BREEAM minimum rating of 'very good'.

59. The proposed Hospital building is well designed with a legible entrance and elevations providing verticality and rhythm through detailing. The design successfully incorporates positive elements of the local vernacular within the wider Consett area and responds appropriately to the proportions and local material palette with the use of buff brick akin to the local sandstone, pre-cast concrete to reflect stonework and metal with a nod to the site history . The design also successfully introduces contemporary architecture with large areas of glazing, open interiors in common spaces, flat roofs and sustainable design features . This design is considered acceptable for such a prominent position on a gateway into Consett and given that it will be a civic landmark.
60. The building design would incorporate passive design solutions, air source heat pumps and the roof would incorporate photovoltaics with the aim to target achieving a BREEAM 'Excellent' rating.
61. The proposal is therefore considered to be in accordance with Policy 29 of the CDP and Part 12 of the NPPF.
62. There are no details of amount of and visual appearance of any plant and equipment that will be installed on the roofscapes of the buildings and it will be important to the appearance of the site that these do not result in visual clutter and are not highly prominent of the roofscapes, therefore a condition is required to agree these details prior to the use commencing. With such a condition and bearing in mind the overall design of the proposal which complies with national and local policy the appearance is accepted.
63. It is noted that residents are concerned that the overall design of the scheme will struggle to be cohesive if it is undertaken in phases however the requirement for adherence to the landscape masterplan for the site and the policy requirements for future development to reflect the character of the area in the use of materials and colour palette should ensure a cohesive mixed use development.

Layout

64. Policy 29 of the CDP requires a functional public realm and good connections. Policy 21 of the CDP requires development to have regard to the Parking and Accessibility Supplementary Planning Document.
65. Whilst the proposed site layout differs from that indicated at the outline stage with the Hospital moving adjacent to the A692 this is a logical improvement given that civic buildings should be sited in prominent areas with good links to the town centre and road network. The building layout has altered from an L shaped layout to a simple two building centred around two courtyards with the benefits of a more compact building that allows natural daylight deep into the mass of the building , easy way finding and travel distances for patients. The energy centre is located to the south east of the hospital where it will be screened from views from the main roadways by the proposed building and landscaping. The Council's Urban Design Officer raises no objection to this aspect.
66. The Highway Authority have raised no concerns over the amount of parking on the layout therefore the parking arrangement drawing is considered acceptable to cater for the C2 usage parking requirements. The concerns raised by the public in relation to the kerb surrounding the parking areas are noted however the car parking bays and aisle widths have all been designed to meet design standards in terms of length and width, which are suitable for the manoeuvring in and out of for the appropriate vehicles.

67. The main cycle provision and walking route into the site would be via the main access road however there are also footpaths and cycle way connections to a west-east connection to the A692 and the C2C national cycleway and a pedestrian link to the north phase which has a pedestrian link to the A692 road crossing to the Hermiston retail park and which form part of the wider landscape masterplan. Whilst comments raised in relation to providing a further pedestrian/cycle route to the north west corner of the site are noted, due to the levels difference this would require steps rather than a path which would not be ideal from an accessibility perspective and therefore Officers accepted that such an amendment not be progressed.
68. Bearing the above in mind the proposed layout detail is now considered acceptable in accordance with Policy 29 of the CDP.

Scale

69. Policy 6 of the CDP requires proposals to have appropriate scale. There are no adjacent buildings to inform the building height and form. At outline stage the indicative details presented that the Hospital building would be 2 storeys in height. The proposed hospital building is 2-3 storeys in height, with the predominant section being the two storey element. The storeys are taller than typical commercial or domestic buildings due to clinical functional requirements for extensive mechanical and electrical infrastructure, and, to future proof the building, generous ceiling voids need to be provided. A third storey is proposed to the rear of the building to house air handling units which would appear unsightly if sited on an open roof. In order to ensure a human scale to the hospital building the lower parapet heights are focused at the main building entrance whilst the facades are broken up with different materials and textures used at different heights, and large areas of glazing and features such as alcoves, overhangs and canopies. Overall, the Urban Design Officer considers the building would achieve a human-scale and it is considered that the scale manages to respond appropriately bearing in mind the scale required for the building whilst also respecting the character of the area. Therefore the scale is considered to be in accordance with Part 12 of the NPPF and policy 6 of the CDP.

Landscaping

70. 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. 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 of the CDP. 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. 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.
71. The wider landscape and ecological impacts of the development have already been addressed through a site wide landscape strategy and habitat management plan approved under the outline and amended under a subsequent permission and are accepted. Under consideration in this case are the landscaping for the hospital area

grounds. The proposed layout includes a comprehensive landscaping scheme, with layout informed by an underlying grid with routes and spaces defined by movement/connections across the site. This includes landscaped public areas, sheltered amenity courtyard spaces and the use of landscaping to screen private service areas. Planting, ornamental grasses and lawn areas would be provided in the open public areas using species for improved biodiversity and habitat creation potential. A combination of native and ornamental planting would be used to reinforce the design strategy. The naturalistic planting style would be created from a mix of perennials, grasses, and evergreens to add year-round structure through the planting beds. Each plant area would be designed, and species chosen for the specific function and characteristics, adapted to the location. Colour themes would be carefully considered, and pockets of colour created through clumps of plants and bulbs dotted throughout the planting areas to provide successive waves of colour interest through every season. From late summer there will be a gradual transition from the splashes of vibrant colour through to autumnal tones, leading into the dormant season where seed heads, plant structure and texture and foliage will be considered and maximised. Evergreens will provide a strong contrasting structure especially towards the harder landscape edges.

72. Hard landscape materials for primary and secondary paving, car parking bays and main entrance walkway would be robust, attractive and of low maintenance.
73. Overall, Landscape and Ecology Officers consider the scheme to provide sufficient planting in a suitable manner that would meet the necessary requirements of Policies 26, 29, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF.

Other Issues

74. In respect of site traffic, a local resident has raised concerns that the existing roundabout at Puddlers corner may struggle to cope with the additional traffic. In regards to the impacts to the wider highway network, these were assessed at outline planning state and the Highway Authority advised that the assumptions and subsequent conclusions of the submitted Transport Assessment were sound. A trip distribution exercise demonstrated that junctions around the Consett area, predominately to the A692 were at capacity and would require mitigation measures. Proposals for junction improvements were put forward at four junction locations around Consett to ease congestion and improve traffic flows. Whilst this did not include improvements to the Puddlers Corner roundabout these improvements did include the widening of the carriageway of the A692 at the two roundabouts at The Chequers and Delves Lane to allow for two lanes of traffic through the roundabouts westbound. Further changes in priority of traffic heading west on the A692 approaching Villa Real roundabout to leave the left-hand lane for left-turners only. The final improvement detailed was a yellow box junction across the McDonald's entrance for south east bound traffic to maintain access for right-turners in to the McDonald's site. Planning conditions were imposed to secure the above highway improvement measures to mitigate the additional traffic generation from the proposed development within 3 months of the commencement of the development. The submitted Transport Assessment which supports this application concludes that the development proposal traffic flows remain consistent with the outline assessment stage therefore no further works are deemed to be required by Highways Officers.
75. The applicants are proposing a Travel Plan (TP) which sets out initiatives to improve upon accessibility. These include promoting walking and cycling via APPs , events, publicity on local routes and providing suitable infrastructure, bike maintenance sessions, and potential e-bike loans. Public transport information would be provided in the forms of information points and web sites . The promotion and incentivisation of

car sharing would be explored as would initiatives to support eco-driving and low emission vehicles and initiatives to reduce the need to travel. These TP measures would, in turn, provide opportunities to encourage NHS employees and the public to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. Whilst being comprehensive, the Framework Travel Plan does not meet the National Specification for Workplace Travel Plans PAS 500:2008 in respect of employee surveys and, therefore, an updated Travel Plan is required. This can be secured by way of an appropriate planning condition.

Assessment of conditions

76. In respect of the details submitted pursuant to conditions, these have been assessed as follows:
77. Condition 5 of DM/22/01630/VOC required the approval of the reserved matters for each phase of the development to be submitted in general accordance with the latest Landscape Masterplan Strategy . The applicants have submitted a landscape site plan, planting strategy, biodiversity metric and preliminary ecological appraisal report fully detailing the landscaping for this first phase of the development and which reflects the direction of the latest Landscape Masterplan and as detailed above the landscape and ecology Officers are satisfied with these details therefore it is considered that the condition can be discharged in relation to this phase.
78. Condition 7 of DM/22/01630/VOC required for each phase of development, a Construction Management Plan to be submitted to and approved in writing by the local planning authority prior to commencement of development of that phase 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 NPPF.
79. The applicants have submitted a Construction Environmental Management Plan which details a construction phase Health and Safety Plan, Quality Plan, Sustainability Plan and Water Management Plan the contents of which are acceptable to Environmental Health and Monitoring Officers therefore it is considered that the condition can be discharged in relation to this phase.
80. Condition 9 of DM/22/01630/VOC required all subsequent reserved matters shall be accompanied by a report detailing the results of intrusive site investigations to locate recorded on-site mine entries, a layout plan identifying appropriate zones of influence for mine entries found and identification of 'no-build' zones, a scheme of treatment of the mine entries, a scheme of remedial works for the shallow coal workings and timescales for implementation and completion. This condition was to ensure that the presence of mine shaft entries and shallow mine workings are identified, risk assessed, and proposed treatment and remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.
81. The applicants have submitted a Phase 1 Desk Top Study and Coal Mining Risk Assessment, a Phase 2 Ground Investigation Interpretive Report and a Remediation and Mine Workings Treatment Study. The Coal Authority are satisfied with the detail submitted to discharge the condition however it can only be fully discharged once the works have been undertaken in accordance with the approved detail. This condition can therefore be partially discharged.
82. Condition 10 of DM/22/01630/VOC required all subsequent reserved matters to be accompanied by full details of foul and surface water drainage works for that phase ,

including a timetable for the works to be approved in writing by the Local Planning Authority. The surface water drainage works shall be developed in accordance with Flood Risk Assessment and Drainage Strategy - Ref : 2019024 - April 2019 and the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. This was to ensure that surface and foul water are adequately disposed of in accordance County Durham Plan Policies 35 and 36 and part 14 of the NPPF.

83. The applicants have submitted a Drainage Strategy including plans and a report and Surface Water Calculation in relation to this phase. Drainage Officers are generally satisfied with the information submitted for the cell and this condition can be discharged, however this would be on the basis that further conditions are imposed to ensure that appropriate connections are in place to an approved wider site drainage system before the hardstanding works are complete and to restrict the discharge rate from the Hospital site.
84. Condition 11 of DM/22/01630/VOC required all subsequent reserved matters to be accompanied by a detailed noise impact assessment of that phase of development and where appropriate a scheme of sound attenuation. The assessment requires compliance with the methodology stated in BS 4142:2014 and shall demonstrate the potential impact of noise from the installation of any machinery, plant or commercial process at the nearest noise receptors.
85. The condition required a scheme of attenuation measures to ensure that the rating level of noise emitted from plant, machinery, commercial process on each site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.
86. Should the assessment demonstrate that the rating level of proposed machinery, plant or commercial processes be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then the condition requires a scheme of sound attenuation measures to also be included. This was to ensure that the amenity of neighbouring residential properties is protected in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.
87. The applicants have submitted a noise impact assessment which has identified that based on the background noise levels at noise sensitive receptors the noise limits are reasonably practicable to achieve with mitigation by setting plant noise limits. Therefore Environmental Health Officers are satisfied that relevant impacts will be within reasonable parameters given the character of the area and the condition can be discharged in relation to this phase of the development.
88. Condition 12 of DM/22/01630/VOC required all subsequent reserved matters to be accompanied by full engineering details of the proposed internal roads covered in that submission to be submitted to and agreed in writing by the Local Planning Authority. This was to ensure highway safety is upheld and maintained from the outset in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.
89. The applicants have submitted engineering drawings, details of hardworks and a circulation strategy for the internal roadways within the red line boundary of the site . The submitted details are acceptable in terms of highway safety and this condition can be discharged in relation to this phase of the development.

Public responses

90. As noted above, A total of 279 letters of consultation responses have been sent out. Two representations have been received from members of the public in response to the consultation exercise, both of which whilst not objecting to the principle of the development but raise concerns over layout, sustainable energy and highway safety matters.
91. Concerns have been raised that the sustainability statement refers to external sources of energy and mentions the capability to connect to a local heat network supplied by a proposed Energy Park (incinerator) over which there was a substantial level of objection and that is currently subject of appeal and over the lack of detail in relation to such connectivity and subsequent impacts to local amenities such as the C2C cycle route and other facilities. Following concerns raised in this respect an amended sustainability statement has been submitted detailing that the BREEAM 'excellent' target is to be met without this energy source, whilst there will be allowances made for future connections to the external source of heat and power should those plans progress any connections would be alongside direct mains supplies for the hospital which would reduce any impacts to the facilities mentioned.
92. It is noted that there are concerns that the land would only be leased rather than transferred to the NHS to the detriment of NHS budgets however land ownership is not a material planning consideration that the local planning authority can take into account when determining applications.
93. Other concerns have been taken into account and addressed in this report.

Public Sector Equality Duty

94. 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

95. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
96. In summary, it is acknowledged that Policy 6 of the CDP allows for unallocated sites on the basis that specific criteria are met. In this instance, and for the reasons set out in the previously approved outline planning permission, it is considered that the proposed development complies with the criteria of Policy 6. This current application for reserved matters is considered acceptable for the reasons set out above in terms of appearance, layout, scale and landscaping and the details submitted pursuant to conditions 5,7,9,10,11 and 12 of DM/22/01630/VOC are considered acceptable. Paragraph 11 of the NPPF states that development proposals accord with an up-to-date development plan, should be approved without delay.

RECOMMENDATION

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

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

Plan	Drawing No.	Date Received
Site overview	XX-DR-L-0002 (REV PO2)	12.01.2023
Landscape site plan	XX-DR-L-0003 (REV PO2)	12.01.2023
Planting strategy	XX-DR-L-0201 (Rev P02)	12.01.2023
Proposed ground floor plan	ZZ-00-DR-A-0001 Rev P2	14.11.2022
Proposed first floor plan	ZZ-01-DR-A-0001 Rev P2	14.11.2022
Proposed second floor plan	ZZ-02-DR-A-0001 Rev P2	14.11.2022
Proposed basement plan	ZZ-B1-DR-A-0001 Rev P1	14.11.2022
Proposed roof plan	ZZ-RF-DR-A-0001 Rev P2	14.11.2022
Proposed elevations - sheet 1 of 2	ZZ-XX-DR-A-0001 Rev P2	14.11.2022
Proposed elevations - sheet 2 of 2	ZZ-XX-DR-A-0002 Rev P2	14.11.2022
Proposed sections	ZZ-XX-DR-A-0003 Rev P1	14.11.2022
Hard landscaping construction details	C-2000 (Rev P01)	14.11.2022
Location plan	ZZ-DR-L-0001 (Rev P04)	14.11.2022
Existing site plan	ZZ-DR-L-0004 (Rev P03)	14.11.2022
Building block plan	ZZ-DR-L-0005 (Rev P04)	14.11.2022
Hardworks general arrangement (1 of 3)	ZZ-DR-L-0007 (Rev P05)	14.11.2022
Hard works general arrangement (2 of 3)	ZZ-DR-L-0008 (Rev P05)	14.11.2022
Hardworks general arrangement (3 of 3)	ZZ-DR-L-0009 (Rev P05)	14.11.2022
Circulation strategy	ZZ-DR-L-0010 (Rev P06)	14.11.2022
Existing & proposed levels - sheet 1 of 2	ZZ-DR-L-0401 (Rev P09)	14.11.2022
Existing & proposed levels - sheet 2 of 2	ZZ-DR-L-0402 (Rev P05)	14.11.2022
Existing & proposed site sections	ZZ-DR-L-0403 (Rev P03)	14.11.2022
Illustrative landscape masterplan	ZZ-DR-L-0801 (Rev P04)	14.11.2022
Traffic Management Plan		10.02.2023
Drainage strategy JK-6233 Revision 5		17.02.2023

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 29, 31, 35, 36, 39 of the County Durham Plan and Parts 2, 4, 8, 9, 12, 14, 15 of the National Planning Policy Framework.

- Notwithstanding any details of materials submitted with the application prior to the construction of external walling or roofing on any building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

- Notwithstanding any details of materials submitted with the application prior to the construction of hard paved areas to any building details of the make, colour and texture of all materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. The development shall operate in accordance with the approved Traffic Management Plan.

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

5. Within six months of occupation a Final Travel Plan, conforming to the ethos and direction of the BSI National Specification for Workplace Travel Plans (PAS500:2008 bronze level) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be adhered to for the lifetime of the development.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Policy 21 of the County Durham Plan with Part 9 of the National Planning Policy Framework.

6. 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 Part 15 of the National Planning Policy Framework.

7. The landscaping scheme shall be implemented in accordance with the approved plans listed and implemented within the first available planting season upon completion of the development. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, are removed, die or become seriously damaged or defective within three years of planting, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To comply with Policies 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

8. Prior to their installation specification and plans detailing plant and equipment to be installed on the roofscapes or outside of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved conditions.

Reason: In the interests of the character of the area in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. The agreed scheme of electric vehicle charging points must be installed and available for use before the hospital is brought into use.

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.

10. No building shall be occupied until a final certificate has been issued certifying that BREEAM (or any such equivalent national level of sustainable building which replaces that scheme) rating 'very good' has been achieved for this development.

Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan and Part 2 of the National Planning Policy Framework.

11. Prior to the completion of the external hard paved surfaces, the Hospital drainage scheme outlined in Drainage Strategy ref: JK-6233 shall be constructed and made available for connections into the site wide drainage strategy.

Reason: To ensure that surface water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

12. The discharge rate for the surface water drainage from this hospital phase shall be no greater than 13.9l/s and this rate is agreed subject to connection with the site wide drainage system.

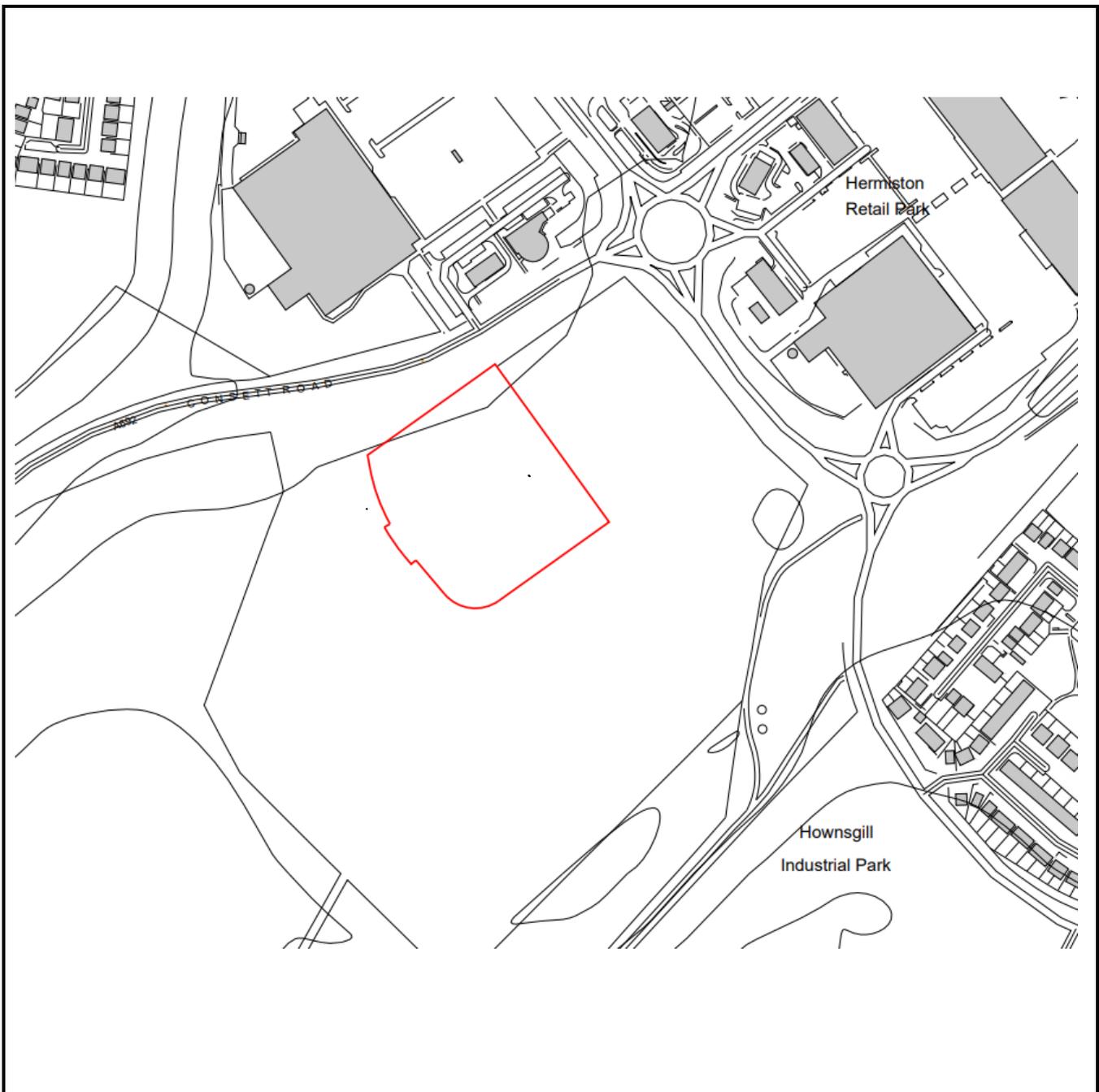
Reason: To ensure that surface water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

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 provided by the applicant
Statutory, internal and public consultation responses
The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
County Durham Plan
County Durham Parking and Accessibility Standards 2019



Planning Services

DM/22/03374/RM Submission of reserved matters (layout, scale and appearance and landscaping) in relation to the construction of new Community Hospital and associated energy centre of DM/22/01630/VOC (mixed use scheme) and submission of details pursuant to conditions 5,7,9,10,11 and 12 of DM/22/01630/VOC relating to Construction management plan, site investigations, drainage details, noise, and engineering details of internal roads.
 Land To The South of Puddlers Corner Roundabout, Genesis Way, Consett

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Date March 7th 2023

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