



County Planning Committee

Date Tuesday 2 May 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 4 April 2023 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/23/00291/FPA - Land West Of West End Farm, Front Street, Ingleton, DL2 3HS (Pages 9 - 40)
Installation of below ground pipeline and associated works
 - b) DM/23/00341/FPA - A167 - B6443 Central Avenue, Newton Aycliffe, Durham, DL5 6JA (Pages 41 - 62)
Creation of new junction and associated highway improvements on A167
 - c) DM/20/03238/OUT - Land to the North of Mount Oswald, South Road, Durham, DH1 3TQ (Pages 63 - 100)
Outline application for Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved
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
21 April 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

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 April 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

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

1 Apologies

Apologies for absence were received by Councillor Bell.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor Higgins declared a non-prejudicial interest in item no. 5a) as local Member of the neighbouring ward Wingate which had been mentioned in the report.

4 Minutes

The minutes of the meeting held on 7 March 2023 were agreed as a correct record and signed by the Chair.

5a) DM/21/01313/OUT - Land At Rodridge Cottage Farm Station Town

The Committee considered a report of the Senior Planning Officer regarding an application for Residential development of 88 dwellings (outline, inc. access) at Rodridge Cottage Farm Station Town (for copy see file of minutes).

G Blakey, Principal Planning Officer gave a detailed presentation of the application which included a site location plan, indicative site layout, aerial photographs, photographs of the site and a summary of objections received.

B Beal spoke on behalf of the Applicant who welcomed the recommendation and he referred to the original outline permission granted in 2019 which was still valid at the time of resubmission. Other than the updated reports and drawings which had been required by Officers, the application was identical.

Progression of the scheme had been disrupted by various working restrictions and market uncertainty as result of COVID-19 pandemic. The site was recognised within the County Durham Plan as housing commitment and the Applicant had worked with Officers on all of the key considerations.

The land and buildings that would make up the Rodridge Cottage Farm development would create a managed transition to the open countryside with a low-density housing development. Material planning considerations had been resolved and attached conditions had been accepted by the Applicant. In the two years since the resubmission, the Applicant had worked with Officers to create an indicative layout with schemes that could add significant value to the final reserved matters scheme.

Mr Beal trusted that members would support the renewal and reiterated that the main planning considerations remained unchanged since the earlier application granted approval. Approval would enable the Applicants to work quickly to secure inward investment and progress to reserved matters to deliver the scheme.

Councillor Jopling queried whether housing would include renewable energy. Mr Beal advised that as this was an outline application, this level of detail had not been explored, however he was confident that the Applicant would be aware of the benefits and include them where possible.

The Principal Planning Officer reminded Members that planning policy only allowed for 10% renewables which would be superseded by building control regulations in June 2023. Future Homes Standards were also due in 2025 which would only increase this even more. These changes would ensure that at reserved matters, schemes would be uprated further than the County Durham Plan requirement. Councillor Jopling suggested Applicants should not wait until implementation of such foreseeable regulations given the current climate.

Councillor Boyes was familiar with the area and as a Councillor in East Durham he confirmed that this was an area that was in desperate need of regeneration. This particular area had lost various businesses premises in

the community over the years. He fully supported the application and moved it for approval.

Councillor Higgins confirmed that it had been over forty years since there had been any development in Station Town and all that was left was a Chapel, a fish shop and a printers, with a Solicitors, Tattoo Shop and Hair Salon nearby.

He referred to the concerns expressed by the Parish Council with regards to the flooding at the new development opposite Mill Bank, which he had often witnessed. He also had concerns that the development would impact GP surgeries and whether they had been consulted to see if they could accommodate patients from this development. Councillor Higgins advised that Wingate had recently increased by 166 houses and there were another 250 under construction. He had been advised by the surgery that they would struggle to accommodate patients who had advised that they had not been consulted.

In addition, the local primary school was oversubscribed and in the process of having additional classrooms built, with the nursery school also being oversubscribed. The education team had no concerns due to school places in the immediate area, which meant children may need to be transported to schools outside the area.

The Principal Planning Officer responded with regards to flooding, that the scheme itself would need to meet all surface water needs, which had been demonstrated in the indicative layout. In terms of the highway flooding, this would be reviewed under reserved matters to ensure the scheme would not exacerbate existing issues.

With regards to consultation with the NHS, the Principal Planning Officer confirmed that the Integrated Care Board had been consulted with regards to the application but had not responded. He also confirmed that as part of the original application in 2019, the Applicant had been required to contribute an additional classroom, however this had since been brought forward and the School Places Manager had confirmed that additional children from this development could be accommodated.

Councillor Martin described the development as a good, low-density scheme which he hoped would not be altered or increased as it moved through to reserved matters. He seconded the recommendation for approval.

Councillor McKeon suggested that as this application had already been approved, it would be difficult to refuse and she was therefore happy to support it and move to a vote.

Councillor Jopling agreed that the area needed investment and with an estate of this size she suggested that business owners may be more inclined to invest in the area. She was confident that the SUDs would mitigate any surface water flooding.

Resolved

That the application be APPROVED subject to the conditions outlined in the report and the completion of a Section 106 Legal Agreement to secure the following:

- Provision of a minimum of 10% affordable housing units on site;
- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land, and;
- £130,292.80 towards the provision or improvements to open space and recreation within Blackhalls Electoral Division.

5b) DM/22/01663/OUT - Land to the west and south of Jade Business Park, with all matters reserved - Land To Hawthorn Grid Site, Murton

The Committee considered a report of the Senior Planning Officer regarding an application for Outline planning application for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved at Hawthorn Grid Site, Murton (for copy see file of minutes).

C Shields, Senior Planning Officer 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 Chair advised that there were no registered speakers for the item.

In response to a question from Councillor McKeon regarding the installation of cabling being considered separately, the Senior Planning Officer advised that the cabling did not require planning permission as it was permitted development.

Councillor Boyes echoed his position at the previous meeting, the need in East Durham and the need for national energy security and moved the recommendation for approval which was seconded by Councillor Hunt.

Resolved

That the application for the for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved be **APPROVED** subject to the conditions outlined in the report and completion of an obligation under Section 106 of the Town and Country Planning Act 1990 requiring future completion of an agreement under Section39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/00291/FPA
FULL APPLICATION DESCRIPTION:	Installation of below ground pipeline and associated works.
NAME OF APPLICANT:	Northumbrian Water Limited
ADDRESS:	Land West Of West End Farm, Front Street, Ingleton, DL2 3HS
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers an area approximately 5.4 Hectares (ha) and mainly comprises pastoral agricultural land with periphery trees and hedgerows located to the west of Ingleton. The site is bisected by the B6279 road, which would also be used for construction access.
2. The site does not fall within the boundaries of any Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) or Local Nature Reserves (LNR). The nearest LWS sites are Gainford Spa Woods approximately 3.1km to the south, Teesbank Woods approximately 4.1km to the south and Bowers Island approximately 4.3km to the south. There are no other designated ecological sites within 5km of the application site. The site is located within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan.
3. The site is located entirely within Flood Zone 1 and also within a Coalfield Development Low Risk area.
4. The southern part of the site is crossed by Footpath No.1 (Ingleton Parish). Footpath No.2 (Ingleton Parish) runs along the western boundary of the site.
5. There are 8 listed buildings within the village of Ingleton. These include the Grade II listed Raysholme and Grade II listed Greencroft 390m to the east, Grade II listed The Cottage, Grade II listed Church of St John the Evangelist and Grade II and Grade II listed Holbeck Farmhouse 560m to the east and the Grade II listed Poplars and Vine House, Grade II listed Startforth and Grade II listed Boxwood 670m to the east.

6. The nearest residential properties are located at Council Farm approximately 30m to the west, West End Farm approximately 30m to the east, Fairholme and Broomsfield approximately 30m to the east with the main settlement of Ingleton approximately 170m to the east.

The Proposal

7. This application forms part of a larger proposal for the installation of a below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir together with associated works, including temporary construction compounds, a pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures (Planning Permission No. DM/21/04293/FPA). The full route was approved in July 2022 and this application represents a relatively small deviation from the approved scheme, which would move the pipeline approximately 90m further to the west. Accordingly this application considers only that relatively short section of pipeline and not the wider development, which has previously been approved.
8. The main element of the proposed development is the mains pipeline, which would be a permanent, underground structure to carry potable water, i.e. clean drinking water. However, there are a number of other components to the proposed development, some of which are temporary in nature.
9. Had the wider development not been considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations), then all the below ground works would comprise permitted development and therefore, would not require express planning permission by virtue of the rights granted to Northumbrian Water as a statutory undertaker. This application constitutes a 'subsequent application' within the context of the EIA Regulations and therefore also requires EIA.
10. The wider development can be split into 3 elements. The first two elements would be permanent features and comprise the strategic mains pipeline and the River Tees and Alwent Beck Crossings (the crossings are not part of this application but are part of the wider scheme). The third would be temporary only required in order to allow the construction of the development to take place. Site compounds and associated welfare temporary buildings such as a portable cabins and site accesses are also proposed. All temporary structures, compounds and site accesses would be removed once the development is complete.

The Strategic Mains Pipeline

11. The proposed strategic trunk mains pipeline would, for the most part be 800mm in diameter, with the first 5.5km being 900mm in diameter and be set within a granular bed and surrounded by a below ground trench which would vary in width. Where the pipeline is 900mm, the trench would be 1300mm wide and where the pipeline is 800mm diameter, the trench would be 1200mm wide. The depth of the trench would vary from approximately 1.5 – 3m below ground level depending on its location; for instance, it would be set deeper underneath roads than underneath fields.

Site Compounds

12. The construction and restoration phase of the proposed development is anticipated to last for a period of 34 months from October 2022 to August 2025 although it is expected that all construction work would be completed by March 2025.

13. The anticipated general construction working hours are 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 on Saturdays with no working on Sundays, Bank or Public Holidays. Occasional out of hours may be required when tunnelling takes place, and this may be 24 hour working. Further out of hours working is likely to be required where works affect the public highway and where such works are only permitted by the Highway Authority at quieter times of the day and night
14. A high-level construction phasing plan has been submitted with the application identifying that works on different elements of the proposed development, and on different stretches of the pipeline would take place concurrently. The construction period of the proposed development would be approximately 34 months, with construction due to commence in October 2022. This period would be split into phases with work starting at various points along the route at various times although these phases are yet to be confirmed. As such details of phasing can be sought through the imposition of a phasing condition. A number of compounds and welfare facilities are required during the construction of the proposed development. These are divided into four categories of facility comprising: a main site compound; pipe laydown areas; dedicated compound and logistic areas at strategic crossings and connections and lagoons.
15. The majority of construction traffic for the proposed development would use the A1(M) to get to the site, and then travel via the A689/A688 and B6279 to reach the site. Once completed, vehicular access would be taken from existing access points at Lartington Water Treatment Works, Whorley Service Reservoir and Shildon Service Reservoir.
16. During construction, a haul road would be introduced along the length of the proposed pipeline to allow for construction traffic to access the site. The haul road would be temporary with the land reinstated to its original condition once development is complete. The construction phase would include a number of construction compounds, lagoons, pipe laydown areas and crane pad areas that would be accessed via the existing road network.
17. The overall proposed development represents an investment by NWL of approximately £64m. It is expected that during construction, on average, there would be up to 70 operatives working on site at any one time although at the peak of construction in the summer of 2023 it could be up to 100 people working on site on the development. Once complete no operatives would be permanently working along the route of the pipeline with only those maintaining it attending as and when necessary.
18. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, further environmental information including that submitted under Regulation 25 of the EIA Regulations, an ES addendum and information arising from statutory consultations and other responses.
19. The application is being reported to the County Planning Committee as it is major development over 2 hectares.

PLANNING HISTORY

20. Planning permission was granted for the installation of below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe

PLANNING POLICY

21. 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.
22. 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.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.

28. *NPPF Part 12 – Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
29. *NPPF Part 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.
30. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
31. *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.
32. *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>

33. 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; land affected by contamination; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; travel plans, transport assessments and statements, use of planning conditions and water supply, wastewater and water quality.

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

LOCAL PLAN POLICY

The County Durham Plan (October 2020)

34. *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.
35. *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.
36. *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.
37. *Policy 26 – Green Infrastructure* – 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.
38. *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 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.
39. *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.
40. *Policy 35 – Water Management* – states that all development proposals will be required 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. This includes completion of a Flood Risk Assessment (FRA) where appropriate.

41. *Policy 38 – North Pennines Area of Outstanding Natural Beauty* – states that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
42. *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. 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.
43. *Policy 40 – Trees, Woodlands and Hedges* – Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
44. *Policy 41 – Biodiversity and Geodiversity* – states 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.
45. *Policy 42 – Internationally Designated Sites* – states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of ‘no alternatives’ and ‘imperative reasons of overriding public interest’ as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or

managed as part of any mitigation or compensation measures should be maintained in perpetuity.

46. *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 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.
47. *Policy 44 – Historic Environment* – seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
48. *Policy 46 – Stockton and Darlington Railway* – states that development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

NEIGHBOURHOOD PLAN:

49. There are no adopted Neighbourhood Plans within the application site.

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:

50. *Highways Authority* – has raised no objections to the proposals. Officers have commented that where works would be required in the adopted highway, the applicant would be required to get all necessary permissions from the Local Highway Authority, however, this is not part of the planning process.
51. *Drainage and Coastal Protection* – has raised no objections to the proposals.
52. *Environment Agency* – has raised no objections to the proposals. Officers have commented that the information provided in their response of 18 February 2022 as part of application DM/21/04293/FPA are still applicable. This include conditions relating to crossing of the Alwent Beck, which is not part of this application,

submission of a biosecurity plan and informatives relating to Environmental Permitting, water quality, water resources, water environment, dewatering, biodiversity net gain, invasive non-native species, fisheries, concreting, pollution prevention, local angling interests, waterbody improvement, waste and groundwater.

INTERNAL CONSULTEE RESPONSES

53. *Ecology* – has raised no objections to the proposals. Officers have commented that the methods relating to mitigation / compensation are in line with those applied to the wider development. The land is modified grassland and so would be reinstated back to the same habitat type. The hedgerows would also need to be reinstated and enhanced with an increase in woody species and inclusion of hedgerow trees. Details of site reinstatement can be secured by condition.
54. *Landscape* – has raised no objections to the proposals. Officers have commented that the impacts are temporary and only arising during the construction phase of the proposed works. Once all the mitigation planting has established and matured, and the land has been reinstated to its baseline condition, effects on landscape will be negligible. It is also noted that the LVIA states that mitigation planting is to contain Ash. Due to Ash dieback this species should be omitted from any proposed planting, and an appropriate alternative be provided if considered necessary.
55. *Design & Conservation* – has raised no objections to the proposals.
56. *Access and Rights of Way* – has raised no objections to the proposals. Officers have requested that details of any stiles or crossing points be submitted for approval and that, if necessary, the affected right of way be temporarily closed during construction.
57. *Archaeology* – has raised no objections to the proposals due to the modest nature of the works.
58. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have commented that, whilst there are some minor issues, the assessment report follows appropriate guidance, is suitably thorough and fundamentally acceptable. Officers have stated that they have not seen the Construction and Environmental Management Plan but have agreed that this can be agreed by condition.
59. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have commented that the development would not lead to an adverse impact and is unlikely to cause statutory nuisance.

PUBLIC RESPONSES:

60. The application has been advertised in the local press and by site notice as part of planning procedures. In addition, 204 notification letters were sent to neighbouring properties. No responses have been received from members of the public.

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

APPLICANTS STATEMENT:

61. Northumbrian Water Ltd (NWL) is a statutory undertaker for the supply of water and is responsible for safeguarding the future supply of water in the north east of England.

It supplies drinking water to 1.3 million properties in the north east of England through its distribution network of reservoirs, water treatment works, service reservoirs and mains pipes and needs to continually maintain and upgrade this water supply network.

62. As part of its investment programme for the next ten years NWL is proposing to replace two strategic trunk mains forming part of the network which supplies communities all along the Tees Valley, including Barnard Castle, Darlington and the wider Teesside area. The two existing mains run from a water treatment works at Lartington, west of Barnard Castle, to a service reservoir at Long Newton (just within Stockton Borough Council's administrative area). In addition, there are at least eighty smaller diameter pipes connected to these mains which feed the local distribution networks supplying approximately 18,000 properties. The replacement was first recommended in the Trunk Mains Cleaning Feasibility Study undertaken by Amec in 2012, and was again recommended in the Teesside Strategic Network Study completed in 2017.
63. Planning permission was granted in July 2022 for the first phase of the proposed replacement pipeline, application ref. DM/21/04293/FPA. The subject planning application seeks permission for a minor deviation of the approved pipeline route at Ingleton. This diversion is proposed following discussions with landowners in the area and is required in order to reduce the impact of the construction of the pipe line upon their day-to-day operations.
64. The proposed development will replace existing Victorian era water mains and will ensure a safe and secure supply of water for County Durham and the wider Teesside area for decades to come.

PLANNING CONSIDERATIONS AND ASSESSMENT

65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity (noise and vibration, air quality and dust, lighting, contamination, health impact and visual impact), access and highway safety, landscape and visual impact, cultural heritage, ecology, flooding and drainage, recreational amenity, , agricultural land, cumulative impact and public sector equity duty.

Principle of Development

66. 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 within County Durham. This is the starting point for determining applications as set out in the 2004 Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for County Durham until 2035.
67. 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.

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

Key policies for determination

- 69. The key policy for the determination of this application is CDP Policy 10 (Development in the countryside).
- 70. CDP Policy 10 relates to development in the countryside and advises that development in the countryside will not be permitted unless allowed for by specific policies in the plan or where the proposal relates to a number of exceptions including to support essential infrastructure where the need can be demonstrated for that location.
- 71. Policy 10 sets out that development will only be supported where, inter alia, it is for essential infrastructure where the need can be demonstrated for that location. In addition, the policy also sets out general design principles which should be followed. These include development which does not give rise to unacceptable harm to heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for. Further considerations set out in the Policy include that development must not be prejudicial to highway safety, water or railway safety nor impact adversely upon residential amenity or general amenity.
- 72. The proposed development comprises the laying of an underground pipeline which would be part of a wider development to transfer drinking water from the west of the county to the east and north and beyond. The proposed development would replace existing Victorian infrastructure as well as providing enhanced resilience to the water distribution network. The works would safeguard the supply of water to County Durham and Teesside for generations to come. The route of the wider pipeline has been carefully chosen and refined over the last 3 years to ensure that the development created the least environmental impact and disruption to nearby residents and highway users. It is therefore the case that there is a clear and demonstrable need in this location for the proposed development. As part of the works, the applicant proposes to re-plant trees on a 3 to 1 replacement ratio as well as being committed to providing biodiversity net gain, which is considered later in the report.

73. The application site is not allocated for any specific use within the adopted County Durham Local Plan however, as out earlier in this report the proposed development comprises essential infrastructure works to replace two strategic trunk mains forming part of the network which supplies communities with water all along the Tees Valley, including Barnard Castle, Darlington and the wider Teesside area.
74. The development is required to support essential infrastructure and the principle of the development is considered to be acceptable in this location given that it comprises essential infrastructure relating to the resilience of the future water supply in County Durham. The proposal does not conflict with CDP Policy 10 nor Part 15 of the NPPF. The environmental impacts of the proposal are considered below.

Residential Amenity

75. 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).
76. 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.
77. The nearest residential properties are located at Council Farm approximately 30m to the west, West End Farm approximately 30m to the east, Fairholme and Broomsfield approximately 30m to the east. The main settlement of Ingleton is located approximately 170m to the east.
78. Specific considerations in relation to residential amenity are noise, air quality and dust, lighting, contamination and visual impact and are considered below.

Noise

79. During the construction phase there is potential for noise from traffic making deliveries and site preparation works but this would be time limited. During the

construction period good practice measures would be put in place to manage the effects of noise and a construction management plan would be required through condition.

80. The Noise and Vibration Assessment submitted with the application for the wider development considered the construction noise from the following activities: the strategic trunk main pipeline construction, shafts and tunnelling, construction compounds, pipe laydown areas, strategic crossings and connections and haul roads. The Assessment identifies temporary significant noise effects during the daytime from shafts and tunnelling at Cooper House Farm, and pipe laydown areas at Cooper House Farm, Mense House Farm, Winfield and Grant Cottage. In respect of this application the addendum to the ES advises that the alignment of the pipe would be closer to Council Farm and receptors may be exposed to noise levels above the potential significance level, however, with the implementation of noise mitigation measures the effect on Council Farm remains as Not Significant.
81. Environmental Health and Consumer Protection officers have raised no objections to the proposals. As part of the wider development officers suggested conditions to regulate times of use, the contractor's method statement and details of who and how noise impact would be monitored at noise sensitive receptors.
82. The anticipated general construction working hours are 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 on Saturdays with no working on Sundays, Bank or Public Holidays. Occasional out of hours may be required with the applicant advising that residents would be informed in advance. This is likely to occur where works affect the public highway and where such works are only permitted by the Highway Authority at quieter times of the day and night. The section of the pipe subject to this application would need to cross the B6279 and may therefore require out of hours working.
83. Conditions would be required relating to the submission of a Construction Management Plan and limiting the hours of construction activities given the potential for construction activities to cause some disturbance in terms of noise.
84. The Noise and Vibration Assessment submitted by the applicant proposes, at Noise Sensitive Receptors where an exceedance of SOAEL (Significant Observed Adverse Effect Level) 75dB LAeq have been identified, a temporary noise barrier would be introduced, either located as close to the source or receiver as practically possible and be designed to limit the effects on the noise sensitive receptors exceeding the SOAEL 75dB LAeq threshold. In order to secure this a further noise and vibration management plan would be prepared and form part of a Construction Environmental Management Plan (CEMP) that would be secured through planning condition. This would set out the approach to consultation with the Council, complaint management process and the noise monitoring methodology during construction including details of the noise barrier.

Air quality and dust

85. The proposed development has very limited potential to create any unacceptable dust pollution impacts. The submitted Construction Dust Assessment concludes that the pre mitigation impacts from the strategic mains works of the proposed development are defined as 'low to high risk' for dust soiling and 'negligible to low risk' for health effects. For the reconnections works the risk for dust soiling and health effects are 'negligible to low risk.'

86. Environmental Health and Consumer Protection officers have considered the proposals and not that the assessment is fundamentally acceptable. A condition is recommended to require a Construction and Environmental Management Plan prior to the commencement of development, which would include a dust management plan. Air Quality officers have agreed that this is acceptable.

Contamination

87. 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.
88. The Geo-Environmental Assessment Report submitted with the application concludes that based on available information, ground material on-site is not considered to pose a significant risk to construction and maintenance workers, and no specific mitigation is required. Asbestos was not detected in the test soil samples. Whilst the level of Lead (Pb) recorded in a topsoil sample exceed the GAC, a significant risk to site end-users was considered unlikely from the proposed works. However, the applicant's report recommends that the material from this location be removed from site, thereby removing the source. The addendum to the ES submitted as part of this application did not alter the conclusions of the earlier Geo-Environmental Assessment.
89. The Geo-Environmental Assessment Report also concludes that the potential for soil leachates to contaminate freshwater courses is considered to be low.
90. Environmental Health and Consumer Protection officers considered the application for the wider development in respect of contamination and noted that the site in general is free from contamination. Officers agreed with the recommendation for the removal of an area of the site with an elevated Pb level, agreeing that the risk posed is not to the end use but more associated with site workers. The proposed realignment of the pipe as part of this application would not alter the earlier assessment.
91. There is no requirement for a contaminated land condition however, informatives are recommended related to the removal of Pb contaminated soils and if any unforeseen contamination is encountered.

Visual Impact

92. The area is sparsely populated, but there are a number of properties within 250m of the site, as set out above.
93. The submitted Landscape and Visual Assessment does not include effects on visual receptors during the operation of the proposed development as most of it is below ground and will not be visible, and the above ground elements of the proposed development are relatively minor in nature and are unlikely to give rise to significant visual effects.

94. The Assessment recommends a Landscape and Environmental Management Plan is followed during the restoration stage of the proposed development. This would be secured by way of condition.
95. Whilst the aspect of these properties and the presence of intervening vegetation is likely to filter the proposal from the majority of the residential properties the LVIA concludes that all effects would be temporary for varying durations over the course of the construction of the proposed development. Embedded mitigation that restores the site to its existing condition would ensure that all effects would reduce over time and further assimilation would be achieved through additional tree planting.
96. Landscape officers raise no objection. Landscape and visual impact is considered further below.

Residential amenity summary

97. It is considered that the proposal would not create an unacceptable impact on living or working conditions or the natural environment. The development would not result in unacceptable noise, air quality, dust, light pollution, contamination and visual impact subject to the imposition of the conditions recommended above. The development would provide an acceptable standard of residential amenity in accordance with CDP Policies 31 and 32 and Part 15 of the NPPF.

Highway Safety and Access

98. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. 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.
99. The submitted Environment Statement considers the effects of the proposed development on traffic and transport for the wider development and the application site. It sets out that the proposed development would intersect a number of public highways. This comprises the B6277 Lartington Lane, B6278 Harmire Road, Dent Gate Lane, A688 Stainton Bank, Town Pasture Lane A67 between A688 and Whorley, Unclassified and unnamed access road from A67 to Humbleton, Unnamed Road (C44) connecting to Tarn Lane and the Unnamed Road north of A67, West of Whorley all of which are along the Lartington WTW site to Whorley Service Reservoir. In the Whorley SR to Gainford Great Wood section there is Tarn Lane, B6274 north of Winston and Unnamed Road north of the A67 Grant Bank. From Gainford Great Wood to County Durham / Darlington Borough Council Boundary the pipeline would cross Ford Dike Lane and Cock Lane. And in the Gainford Great Wood to Shildon SR section the pipeline would cross Selaby Lane, Hulam Lane, the B6279 at Ingleton, Unnamed adopted C Road north-west of Ingleton, Unnamed road east of Hilton (unadopted), Stobhill Lane, A68 north of Bildershaw and A6072 West Auckland Road.
100. The addendum to the ES advises that the only change to previously approved proposal is that the pipeline would cross the B6279 at Ingleton slightly further west. There would be no other changes to the assessment of traffic and transport.
101. The ES concludes that, in respect of the wider development, no significant effects upon traffic and transport are anticipated during the construction and restoration

phases of the proposed development. This includes no significant effects on driver delay, road safety, severance, pedestrian amenity / fear of intimidation and pedestrian amenity.

102. A Framework Construction Environmental Management Plan (CEMP) submitted with the application sets out the key measures and principles that will be adhered to during construction and restoration. It includes the following measures and principles of relevance to highways and access: designated vehicle access routes and a traffic management strategy; restrictions on deliveries and access to working sites outside of peak highway periods; keeping A roads open where possible, limiting the duration of road closures and usage of a dedicated haul road parallel to the pipe route for construction movements between working areas; and include a number of potential HGV construction traffic no-go zones, in order to minimise effects on the following local communities where alternate routes are available.
103. During construction, the following hierarchy would be used where there are interfaces with PROWs, or a combination thereof, to minimise disruption to the Public: maintain the PROW with appropriate surfacing across the working width except for short manned closures with associated H&S protection; divert the PROW within the working width with associated H&S protection and footpath surfacing; agree and install a diversion route for the PROW with the Local Authority, with associated signage and surfacing works when neither of the first two actions are viable.
104. Where the proposed development crosses public highways, it is proposed that open cut trenching could involve partial or full road closures with shuttle working or a local diversion in place. Given the width of the crossings, the duration of open-cut trenching is anticipated to be short; limited to a matter of days. The works could also be undertaken over a series of nights, meaning any local diversions or shuttle working would only take place at night and not affect peak daytime traffic.
105. Highways officers have considered the proposal and raise no objections. Advice is provided to the applicant in respect of obtaining licences for works affecting the public highway.
106. Whilst the wider development would generate a number of construction traffic movements for the 34 month construction period it would be not be unacceptable across the wider development or the application site due to good access and existing highway capacity for this temporary period. Following construction, the site would be returned to its original condition. It is considered that the proposal 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. The proposal is considered not to conflict with CDP Policy 21 and Part 9 of the NPPF.

Landscape and visual impact

107. 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.
108. 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.

109. 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.
110. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application as part of the ES, which covers the wider development and the application site. The LVIA seeks to assess the landscape and visual impact of the proposed development. The Assessment states that a series of mitigation measures have been embedded into the scheme that restore the site to its existing condition which would ensure that all effects of the construction phase will reduce over time and further assimilation would be achieved through additional tree and hedgerow planting. The LVIA submitted by the applicant considers the proposed development in the context of a study area. The study area comprises the planning application site plus a buffer which extends a further 2km beyond. There are several designations within the study area that are of note. These include The North Pennines Area of Outstanding Natural Beauty (AONB) to the west of the western end of the site, Pennine Dales Environmentally Sensitive Area (ESA) approximately 4km to the west of the western end of the site, Several Sites of Special Scientific Interest (SSSI) on the western fringe of the site, Listed buildings and conservation areas across the study area, Lartington Hall park and garden (Grade II listed), Bowes Museum park and garden (Grade II listed) and Areas of High Landscape Value (AHLV) - a local landscape designation, designated in the County Durham Plan as areas which are considered by the local planning authority to be of particular landscape value to the local area. Areas were assessed for their condition, scenic, cultural and perceptual quality, rarity, recreational value and natural and historical conservation interest to determine their sensitivity.
111. The addendum to the ES advises that the amendment to the route of the pipeline at Ingleton does not affect the information in the LVIA. The new alignment would not change the landscape or visual baseline, nor would it change the assessment of effects associated with landscape and visual receptors.
112. The site is situated within (or includes part of) National England National Character Area 22: Pennine Dales Fringe and parts of the site are located within the following published Landscape Character Areas. Part of the site lies within an Area of Higher landscape Value (AHLV) as defined in the CDP.
113. The LVIA concludes that, all four County Character Areas (CCAs) that fall within the study area would be significantly affected by the construction of the proposed development. These CCAs would be subject to a temporary reduction in scenic quality, landscape condition and tranquillity, that will occur across large proportions of each CCA. These reductions will result in a Moderate Adverse, and Significant effect on each CCA.

114. Within the context of the application site, construction of the proposed development would occur near to the village of Ingleton, and in this area works include three pipe laydown areas and a lagoon. In addition, these works would occur within the rural setting of the Ingleton Conservation Area. It is anticipated that these works would result in a Major Adverse and Significant effect on the local landscape character around Ingleton.
115. A proposed Landscaping Strategy has not been submitted with the application however, details of landscaping can be secured by condition.
116. Trees within the application site are not covered by a Tree Preservation Order. There would be some loss of trees across the wider development in order to allow the development to be constructed. An Arboricultural Impact Assessment ('AIA') accompanies the application covering the wider development and concludes that fifty trees and eleven tree groups across the full route have been identified 'at risk' as they are within the footprint of the pipeline and/or the planned haul road. These trees would be retained and protected during construction where possible. The AIA recommends a number of protection measures. Within the application site there are only four trees within the development area.
117. The submitted Arboricultural Impact Assessment sets out a number of protection measures including Root Protection Areas, use of ground protection, temporary barrier protection and pruning methods. Implementation of the measures would be secured through condition.
118. The design of the proposed development has considered, where appropriate, the retention of trees. Given the essential need for the proposals to ensure water supply, it is considered that their potential loss is outweighed by the benefits of the proposal namely the long term security of water supply to County Durham through the replacement of Victorian era essential infrastructure as well as a significant enhancement to the resilience of the county's water supply
119. Where tree loss would occur, new woodland or tree planting would be provided at a ratio of 3 trees planted for each one lost and will comprise native species. The new planting would avoid sites of existing nature conservation value. If it is not possible to provide such replanting at this scale, then mitigation comprising new small and medium sized mixed or broadleaved woodlands will be introduced, respecting field patterns, and avoiding sites of nature conservation or archaeological interest, where possible, and overgrown or gappy hedges unaffected by the works will be improved by coppicing and gapping up, where possible.
120. If post and wire fencing is lost or removed due to the proposed works, then new hedgerow planting would be introduced in its place where possible.
121. Proposed mitigation measures also include (if it is not possible for new tree and hedgerow planting to be introduced on a 3:1 basis in the areas where trees and hedgerow have been removed): new small and medium sized mixed or broadleaved woodlands will be introduced, respecting field patterns, and avoiding sites of nature conservation or archaeological interest; overgrown or gappy hedges unaffected by the works would be improved by coppicing and gapping up; where possible, new native oak woods in denes and ravines and along steep riverside bluffs would be introduced; where possible, new native alder woods on riverbanks and streamsides and on wet or seasonally flooded haughs will be introduced; and overgrown or gappy hedges unaffected by the works would be improved by coppicing and gapping up.

122. In addition, a Framework Construction Environmental Management Plan (CEMP) has been submitted which includes the following measures or principles, to reduce adverse effects on landscape and visual amenity. These being lighting during construction would be designed to minimise light pollution during the hours of darkness. Lighting would be directional to prevent light spill and designed to reduce sky-glow; and site fencing and hoarding around the construction sites will be well maintained throughout the construction period.
123. The proposed mitigation measures would minimise the potential effects of the proposed development on landscape and visual amenity. Mitigation would be secured through a suitably worded condition.
124. Landscape officers have considered landscape and visual effects and raise no objection to the proposed development. Landscape Officers note that a Landscape and Visual Impact Assessment and Arboricultural Assessment have been provided which state that mitigation planting is to contain Ash. Due to Ash dieback, Officers advise that this species should be omitted from any proposed planting, and an appropriate alternative be provided if considered necessary.
125. The effects of the development would be temporary for varying durations over the course of the construction period. The embedded mitigation would ensure that effects reduce over time and assimilate the development into the environment such that no significant landscape and visual effects will remain. As such, the proposed development would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important features or views once the development is complete and the restoration phase has been implemented. In addition, the quality of the Area of Higher Landscape Value would be maintained following completion of the development. Subject to the implementation of the landscape and environmental management plan, which can be secured by condition, the impacts of the proposal upon the landscape are considered acceptable. The proposal is therefore not considered to conflict with CDP Policies 39 and 40, and Part 15 of the NPPF.

Cultural heritage

126. 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.
127. 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.

128. There are 8 listed buildings within the village of Ingleton. These include the Grade II listed Raysholme and Grade II listed Greencroft 390m to the east, Grade II listed The Cottage, Grade II listed Church of St John the Evangelist and Grade II and Grade II listed Holbeck Farmhouse 560m to the east and the Grade II listed Poplars and Vine House, Grade II listed Startforth and Grade II listed Boxwood 670m to the east.
129. A Heritage Impact Assessment (HIA) has been submitted in support of the application, which also covers the wider development. The HIA concludes that the route of the underground pipeline would have no direct impact on most designated heritage assets, except for minor works within the Staindrop and Barnard Castle Conservation Areas and the abandonment of the pipeline crossing Deepdale Aqueduct. The Assessment concludes that these works would have a temporary negligible adverse effect on the significance of the conservation areas due to the limited impact on their character and appearance during the construction period and the temporary changes to views within those conservation areas, noting of course that once the development is constructed all of the pipeline will be underground and not visible.
130. Within the wider development the submitted HIA considered that the proposed development would have a negligible minor adverse impact upon the setting of the heritage assets where the works are perceptible. Furthermore, it is considered that the adverse effects are negligible and temporary and would not affect the significance and special architectural or historic interest of affected designated heritage assets. The negligible adverse effects upon the significance of some heritage assets along the route of the pipeline due to temporary changes within their setting would in NPPF terms amount to less than substantial harm at the lowest end of the scale. In respect of the application site the HIA does not consider there to be any harm to heritage assets.
131. Design & Conservation officers and Archaeology officers have raised no objections to the proposals and in the context of there being no harm to heritage assets it is considered that the proposed development would not conflict with CDP Policies 44 and 46 and would accord with Part 16 of the NPPF and Sections 66 and 72 of the Listed Building Act.

Ecology

132. 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.
133. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding

whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

134. A Preliminary Ecological Appraisal (PEA) has been submitted with the application. The PEA concludes that there are 24 statutory designated sites within 2km of the wider pipeline route including 19 ancient woodlands. The application site does not fall within the boundaries of any Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) or Local Nature Reserves (LNR). The nearest LWS sites are Gainford Spa Woods approximately 3.1km to the south, Teesbank Woods approximately 4.1km to the south and Bowers Island approximately 4.3km to the south. There are no other designated ecological sites within 5km of the application site. The site is located within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan.
135. A series of reports and survey work has been submitted by the applicant including badger, barn owl and bat surveys, Cotherstone Railway Local Wildlife Site Botanical Survey, great crested newt, otter and water vole surveys, a Preliminary Ecological Appraisal, a River Physical Habitat Assessment and River Condition Assessment Methodology. These surveys cover the wider development as well as the application site.
136. In addition, the submitted Environmental Statement concludes that the wider development would have a potential minor adverse and not significant effect on Shipley Wood replanted and ancient woodland, Waskey Wood/Spring Wood, Selaby Bases and Gainford Great Wood ancient woodlands and Local Wildlife Sites. There is likely to be a moderate adverse and significant effect on the Cotherstone Railway LWS due to the temporary loss of grassland section and a temporary loss of 18% of the LWS. In addition, the proposed development would result in the loss of broad-leaved semi-natural woodland, coniferous/plantation woodland, hedgerows, scattered trees, grassland and the temporary disruption to various watercourses. The only change to this assessment as part of the current application is that the revised alignment to the route at Ingleton would result in construction works taking place in closer proximity to a tree assessed in the ES that was identified as having a suspected bat roost for 1 No. Common Pipistrelle bat. To mitigate this the ES addendum advises a method statement would be prepared which would require a pre works buffer of 30m to be established around Tree No. 347 to minimise potential disturbance to the suspected bat roost. Fencing would demarcate the 30m buffer zone to ensure site operatives and construction plant are excluded.
137. Within the wider development there would be some disturbance to breeding barn owls and breeding birds, loss of six bat tree roosts, two resting places for Otters, loss of subsidiary and outlier setts for 1-2 groups of badgers and temporary loss of habitats for hedgehogs harvest mouse, great crested newts and toads. There would also be disruption of breeding behaviour for widespread reptiles and disturbance to fish behaviour at Alwent Beck. Within the application site there would be no additional harm to protected species.
138. The Environment Agency has raised no objections to the proposals but has advised that their comments and conditions in relation to the wider development are still applicable. These conditions require the development to be carried out in accordance with the submitted Flood Risk Assessment and requirement for the

submission of a biosecurity plan which seeks to prevent the spread of invasive non-native species such as signal crayfish, Himalayan Balsam and Japanese Knotweed. Advice is provided with regard to the need for an Environmental Permit, water quality permit requirements, dewatering and water abstraction requirements, the water environment, biodiversity net gain and it is recommended that a target of at least 'no net loss' is set to reduce impact of the development. Advice is also provided with regard to invasive non-native species, migratory fish and fish passage, concreting and pollution prevention, waterbody improvement, waste and ground water.

139. Ecology officers have considered the proposals and commented that the methods relating to mitigation and compensation are in line with those applied to the wider development. The land within the application site is modified grassland and so would be reinstated back to the same habitat type. The hedgerows would also need to be reinstated and enhanced with an increase in woody species and inclusion of hedgerow trees. A scheme for the reinstatement of the site would be required by condition.
140. The wider development would provide a series of significant and positive mitigation and compensation measures into the design of the development. The measures include promoting diversity within grassland, translocation and reinstatement of important hedgerows, flumes in certain watercourses to ensure conditions are similar to that of the current channel, protection zones for barn owls and erection of bird and bat boxes. The application site would deliver biodiversity net gain in the context of the wider development and. in addition to these measures, the site is not located within any nationally or locally protected site. As such, in the context of the proposed mitigation which can be secured by planning condition, it is considered that the proposal would not negatively impact upon any nationally or locally protected sites. The proposal is therefore considered not to conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Flooding and drainage and the water environment

141. 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.
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.
143. 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.

144. Within the wider development site are eight main rivers and/or larger watercourses ,one of which in two locations. These being: Percy Beck; Black Beck; Walker Hill downstream crossing; Walker Hill upstream crossing; Alwent Beck; Tributary of the River Gaunless; Dyance Beck; River Tees; and Grise Beck. There are no watercourses within this specific application site.
145. The wider development is predominately located in Flood Zone 1, though it passes through Flood Zones 2 and 3 at five places. The application site is only within Flood Zone 1 The proposed pipeline would pass below the watercourse level of four of these watercourses, with the exception of the Alwent Beck crossing which will be crossed using a pipe bridge.
146. The Environmental Statement considers the effects of the proposed development on the Water Environment. The main issues considered are the potential effects arising from the proposed development on the following: Water Framework Directive ('WFD') water bodies – eight surface water bodies and three groundwater bodies; fifty watercourses; ten ponds; four licenced surface water abstractions / discharges are present within the study area; ten aquifer units; twelve springs and ten field drains / discharges; groundwater abstractions and discharges – one licenced abstraction is present within the study area; and water dependent designated sites – one designated site (ancient woodland). The Flood Risk Assessment (FRA) submitted as part of the original ES has been amended to account for the change in alignment of the pipe but there are no other changes to the water environment.
147. A Framework Construction Environmental Management Plan has been submitted with the application and prior to commencement of construction the CEMP would be required through condition. Key measures and principles in the Framework CEMP include: suitable site layout arrangements; requirements for the storage of fuel, oil, chemicals and other hazardous substances (including chlorinated water within surface lagoons) to minimise the risk of accidental environmental discharge; a pollution prevention plan, including emergency spill procedures; details of an erosion prevention and sediment management plan; and details of site (including site compounds and pipe laydown areas) drainage showing connections to existing road / mains drainage network, and not directly discharged to the environment.
148. During operation, no impacts are anticipated on the water environment and if a leak develops in the pipe, it would be carrying potable water hence there would be no water quality impacts.
149. During construction and restoration, where the pipeline is beneath the water table it is likely that any groundwater would find its way around the pipeline. As such, it is unlikely that the pipeline will act as barrier to groundwater flow.
150. It is considered that a CEMP and consent/permit adherence throughout construction should mitigate against any risk to surface or groundwater quality impacts during construction. As such no impacts related to water quality due to the spillage of soils, sediment, fuels or other construction materials, discharge from surface water lagoons, or through uncontrolled site runoff are predicted.
151. The impact to aquifers from excavation, and/or the creation of impermeable surfaces including haul roads and construction compounds and pipe laydown areas is considered minimal as the areas intersected by the proposed development are small compared to the aquifer extents in all cases, except for the Devensian Till. Therefore,

it is anticipated there would be a minor impact to flows as much of the proposed development and several compounds / pipe laydown areas intersect the Devensian Till deposits. As such, the effect would be Minor Adverse and Not Significant.

152. The Environmental Statement includes mitigation measures such as the installation of clay stanks along the length of the pipeline to prevent flow of groundwater, a detailed method statement describing the proposed water house / field drain crossings and reinstatement and ensuring that the extent of pipe laydown areas and lagoons are such that they do not result in the partial or complete loss of land drains.
153. It is considered that as a result of mitigation measures, all effects have been reduced and are considered to be either negligible or minor adverse and not significant in terms of the effects on the Water Environment.
154. The application is also accompanied by a flood risk assessment (FRA) which includes consideration of the wider development as well as the application site. The FRA states that the pipeline would predominantly be located in Flood Zone 1, though at five locations it passes through a watercourse passing through Flood Zones 2 and 3. The NPPF requires a sequential test to steer new developments to locations in Flood Zone 1, where flood risk is lowest.
155. The submitted FRA concludes that it is not feasible to avoid passing through some of the watercourses, and therefore it is not feasible for the proposed scheme to be entirely in Flood Zone 1.
156. The proposed development comprises essential new water infrastructure to supply part of the County Durham area. As set out in more detail below, the benefits of the proposed infrastructure works are considered to outweigh the negative impacts created during construction. Notwithstanding this, the specific part of the development that is within the application is entirely within Flood Zone 1 and is therefore exempt from the exception test.
157. In addition to the pipeline, a range of temporary works are included within the application, including site compounds, pipe laydown areas and temporary lagoons. The FRA states that there are operational constraints associated with these temporary works including reasonable access to welfare facilities, limiting the environmental impact, transporting materials and topography for the temporary lagoons. The FRA concludes that there are no practical alternative sites for the proposed works given the operational requirements of the pipeline, the need to avoid land allocated for development and sensitive land use designations and as such it can be considered that the Sequential Test has been satisfied.
158. An outline framework Surface Water Management Plan (SWMP) was submitted with the planning application for the wider development. The SWMP sets out the proposed management and monitoring of surface water for the application site, including the use of slope breakers, surface water ditches, lagoons, silt fences and straw bale barriers alongside watercourse and flood risk management.
159. The Environment Agency raised no objection to the planning application subject to the inclusion of conditions relating to the development being carried out in accordance with the submitted FRA and the submission of a biosecurity plan.
160. Drainage and Coastal Protection officers have considered the proposals and raise no objections and offer advice in relation to major infrastructure construction works in greenfield locations and expect this to be covered in the drainage strategy for the development. Should planning permission be granted then the development would

be required to be carried out in accordance with the submitted flood risk assessment and a surface water drainage strategy to be required through condition.

161. Subject to the proposed conditions being adhered to, the proposed development would not lead to increased flood risk, both on and off site. The proposal is, therefore, considered to not conflict with CDP Policy 35 and Part 14 of the NPPF with regards to flood risk.

Recreational amenity

162. 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. Paragraph 100 of Part 8 of the NPPF states that planning decision should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way.
163. The southern part of the site is crossed by footpath No.1 (Ingleton Parish). Footpath No.2 (Ingleton Parish) runs along the western boundary of the site
164. The submitted Framework Construction Environmental Management Plan (CEMP) states that during construction, the following hierarchy would be used where there are interfaces with PROWs, or a combination thereof, to minimise disruption to the public:
- a. Maintain the PROW with appropriate surfacing across the working width except for short manned closures with associated health and safety protection;
 - b. Divert the PROW within the working width with associated health and safety protection and footpath surfacing; and
 - c. Agree and install a diversion route for the PROW with the Highway Authority, with associated signage and surfacing works when neither of the first two actions are viable.
165. The Environment Statement considers the amenity of pedestrians. It concludes that the amenity of pedestrians using PROWs that cross the pipeline route or the working area would be affected by diversions or short manned closures. These would only be temporary while construction and remediation works are taking place in an area that would affect specific PROWs. Whilst precise details as to whether it will be necessary to either divert or temporarily close any PROW's are not yet known, it is considered that the mitigation hierarchy detailed above is an acceptable approach to deal with the interface of the development with PROW's.
166. Access and Rights of Way officers raise no objection but have requested details of any temporary crossings, such as stiles, and have advised that a temporary closure of footpath No.1 (Ingleton Parish) may be required.
167. It is therefore considered that the proposal would not conflict with CDP Policy 26 and Part 8 of the NPPF.

Agricultural Land

168. 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.
169. CDP Policy 14 relates to the Best and Most Versatile Agricultural Land and Soil Resources and 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.
170. The wider development comprises approximately 317 ha of land and this application covers an area of approximately 5.4 ha. A Soils Resources Survey and Management Plan was submitted by the applicant and sets out soil management guidance for the purpose of limiting impacts to overall soil quality, during and after construction including guidance on soil handling, stripping, stockpiling, soil reinstatement and re-use. Soil along the route of the pipeline is generally either grade 2 or 3 with small pockets being grade 4, some is therefore Best and Most Versatile Agricultural Land. The application site is comprised entirely of grade 3 land.
171. The Soils Resources Survey includes four Agricultural Land Classification Reports which intersect with the 250m buffer surrounding the proposed development. Due to the nature of the development, it is not expected that there will be any permanent land-take, and instead all stripped soils will be reinstated following construction. In this context it is considered the requirements of CDP Policy 14 are met in that all soil removed for the development will be reinstated and restored to its pre-development condition. Through condition a soil handling, storage and replacement scheme can be secured. As such no negative impact upon the quality of the soils is expected and the proposal would not conflict with CDP Policy 14.
172. Whilst the development would temporarily remove a portion of land from arable use, it would be reinstated following completion of the construction phase. The proposal would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative impact

173. 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.
174. As set out above, this proposal forms part of a larger development. Whilst the wider development covers a large area and is approximately 30km in length the proposed pipeline would not run close to or under any new development sites. In addition, given that the proposed development comprises a pipeline that is almost entirely underground, once constructed the development would not be visible and its operation would not be noticeable. As such there would be no greater cumulative impacts of the proposed development.

175. A cumulative assessment has been undertaken as part of the EIA process and submitted in support of this application. This considered if additional potential cumulative effects from the proposed development would be created by it interacting with other developments in order to ascertain whether there are any inter-project cumulative effects. Seven schemes located in the surrounding area of the proposed development were identified as:
- The future extension of the pipeline to the main reservoir at Long Newton;
 - Residential development for up to 100 units at land to the north of Darlington Road, Barnard Castle;
 - 72 dwellings at land to the west of Grice Court, Staindrop;
 - Mixed use development of retail, restaurants, cinema and other leisure uses at Fieldon Bridge, Bishop Auckland;
 - Residential development for 162 dwellings at land east of Deerbolt HMYOI and north of Bowes Road, Startforth;
 - A retail unit at Addison Auctioneers, Barnard Castle; and
 - The construction of a new sports pavilion at Barnard Castle School.
176. It was concluded that there is no potential for significant cumulative effects arising from the proposed development and the seven identified schemes and therefore no further mitigation or monitoring measures are required to address inter-project cumulative effects. The submitted ES Addendum advises that this proposal would not alter the conclusions of the cumulative assessment. A number of technical assessments submitted in support of the application have considered matter such as noise and dust.
177. As such it is considered that the proposal would not result in any adverse cumulative impact exceeding that of a single development proposal in accordance with CDP Policy 31 and Part 15 of the NPPF.

Public Sector Equality Duty

178. 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.
179. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

180. 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.
181. The proposed development would form part of a wider development to provide additional water capacity and resilience to the existing water network serving County Durham and Teesside. It would replace Victorian era essential infrastructure necessary to support the growing population of County Durham and beyond. The works involve the replacement of a strategic trunk mains pipeline which will be set within a below ground trench. The pipeline will run from Lartington Water Treatment Works to Shildon Service Reservoir.

182. Consideration has been given to the the principle of the development, residential amenity (noise and vibration, air quality and dust, lighting, contamination, health impact and visual impact), access and highway safety, landscape and visual impact, cultural heritage, ecology, flooding and drainage, recreational amenity, agricultural land, cumulative impact, agricultural land and cumulative impact, and subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
183. It is considered that the proposed development accords with relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

184. That the application made to Durham County Council be **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: To comply with Section 91 of the Town and Country Planning Act 1990 which places a time limit on when any permitted development may start by as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- Site Location Plan ref. WN019-0205-STN-02-ZZ-DR-T-0100
- Existing Plan and Profile ref. WN019-0205-STN-02-ZZ-DR-T-0101
- Proposed Plan and Profile ref. WN019-0205-STN-02-ZZ-DR-T-0102
- Typical Pipe Trench Details ref. WN019-0205-MMB-01-ZZ-DR-T-0084

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 26, 28, 29, 31,32, 33, 35, 38, 39, 40,41, 42, 43, 44, 46 and 56 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 12, 14, 15, 16 and 17 of the National Planning Policy Framework.

3. Prior to the commencement of any part of the development or any works of demolition within a particular phase as identified under Condition 3, a Construction Environmental Management Plan for that phase shall be submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust and light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed and include the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. A Noise Management Plan and details of methods and means of noise reduction including details of a noise barrier designed to limit the effects on the receptors exceeding the SOAEL 75dB LAeq threshold, to be implemented

between the proposed development and the following receptors: Station Farm; Cooper House Farm; Auckland Terrace; Westlea; Rosemead and Council Farm. The Noise Management Plan shall also include the exact locations of noise monitoring points and proposed monitoring frequency.

3. Where construction involves penetrative piling and/or drilling, details of methods for piling of foundations and drilling including measures to suppress any associated noise and vibration;
4. --Construction, Noise and Vibration Management Plan (CNVMP);
5. Confirmation of working hours, which shall not exceed 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 on Saturdays with no working on Sundays, Bank or Public Holidays. Only tunnelling works may take place outwith these hours.
6. Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway;
7. Designation, layout and design of construction access and egress points;
8. Details for the provision of directional signage (on and off site);
9. Details of contractors' compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure and their removal upon completion of the construction phase of development;
10. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
11. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
12. Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), measures to control timings and routings of deliveries and construction traffic (including abnormal loads) and pedestrian routes to the site;
13. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
14. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works including a Site Waste Management Plan;
15. A soil handling, storage and replacement strategy;
16. Measures for liaison with the local community and procedures to deal with any complaints received;
17. A Pollution Prevention Plan;
18. An Erosion Prevention and Sediment Management Plan, and

19. An Invasive Species Management Plan

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

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

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 environmental management plan must be agreed before works on site commence.

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges to be retained within that phase, are protected in accordance with the details contained within an approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report relating to that phase.

Reason: In the interests of the visual amenity of the area and to comply with Policies 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure existing planting is protected.

5. The development shall be carried out in accordance with the submitted flood risk assessment (Tees and Central Strategic Transfer Mains Flood Risk Assessment – Phase 1, dated October 2021, prepared by Mott MacDonald)

Reason: To prevent flooding elsewhere by reducing the risk of debris becoming trapped on pipe bridge and by ensuring that compensatory storage of flood water is provided.

6. No development shall take place until a Biosecurity Plan for that phase has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. The biosecurity plan shall include the following elements:
 - a. biosecurity and INNS management best practice, utilising the check-clean-dry procedure across the site;
 - b. identify specific actions and mitigation for known INNS, and methods to ensure no INNS are brought on to site;
 - c. a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted.

Reason: To prevent the spread of invasive non-native species, such as signal crayfish, Himalayan balsam, American skunk cabbage, rhododendron, giant hogweed, and Japanese knotweed.

7. Prior to the commencement of development a Landscape and Ecology Maintenance and Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall follow the principles set out in table L2.2 of the Environmental Statement and include an appropriate planting and maintenance

schedule. The development shall be carried out in accordance with the approved LEMP.

Reason: In the interests of the visual amenity of the area and to comply with Policies 39 and 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure planting and habitat creation take place as soon as practicable.

8. Details of any external lighting proposed within a specific phase shall be submitted to and approved in writing by the Local Planning Authority prior to its installation within that phase. The lighting shall be installed in accordance with the approved details.

Reason: In order to minimise light spillage and glare and minimise impact upon ecological interests, in accordance with Policies 31 and 41 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

9. Prior to the commencement of development a scheme for the reinstatement and enhancement of hedgerows within the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include native hedgerow species but shall not include Ash. The scheme shall be completed within the first available planting season following the development being brought into use and maintained for 30 years thereafter.

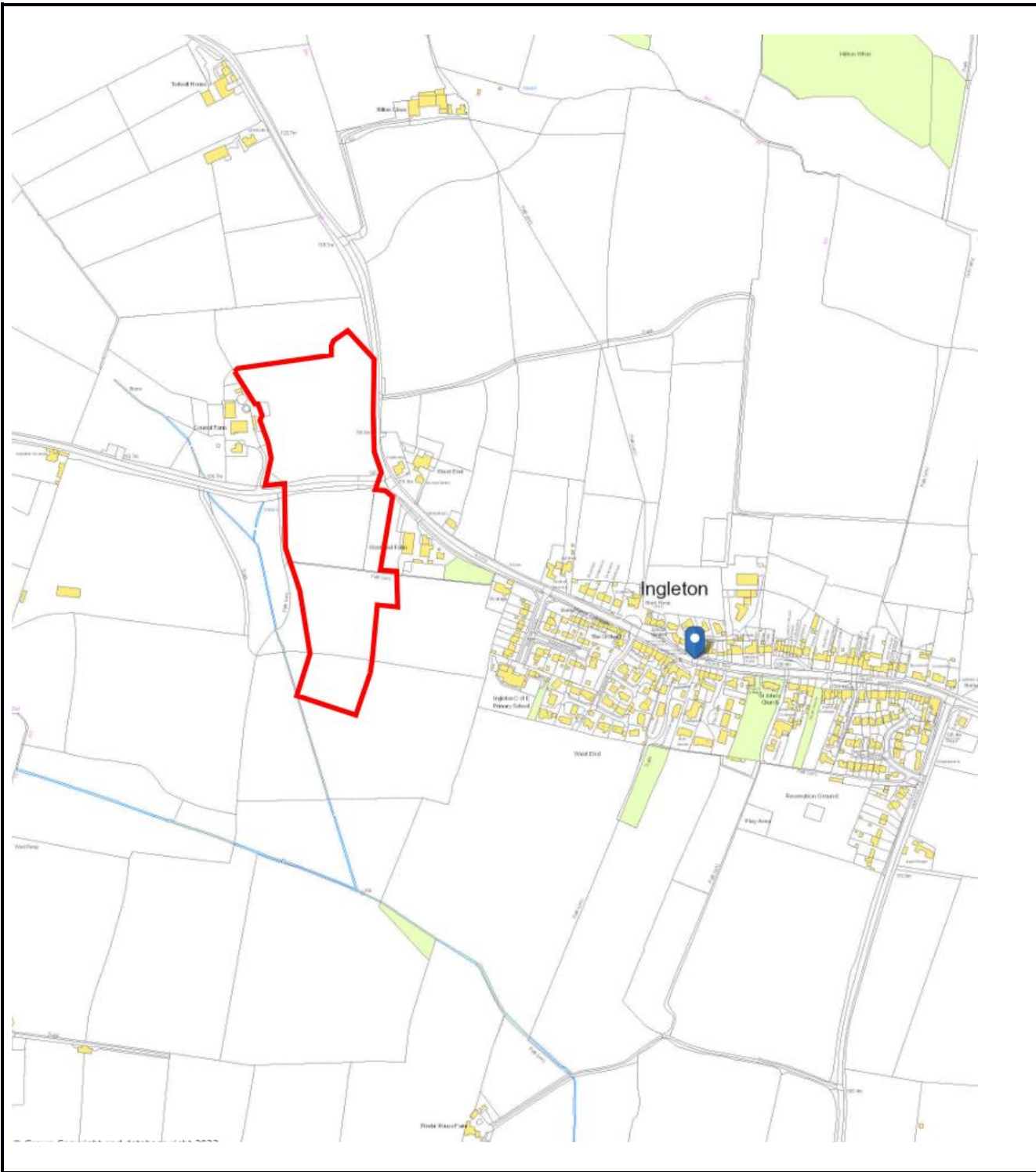
Reason: In order to protect the ecological value of the site in accordance with County Durham Plan Policies 39, 40 and 41 and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure planting and habitat creation take place as soon as practicable.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Landscape Strategy (2008)
- Statutory, internal and public consultation responses



Planning Services

DM/23/00291/FPA

Installation of below ground pipeline and associated works.

Land West Of West End Farm Front Street Ingleton

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Comments

Date
April 2023

Scale Not to Scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/00341/FPA
FULL APPLICATION DESCRIPTION:	Creation of new junction and associated highway improvements on A167
NAME OF APPLICANT:	Durham County Council
ADDRESS:	A167 - B6443 Central Avenue Newton Aycliffe Durham DL5 6JA
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Steve France Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is formed of and around the northern signalised junction of the A167 into Newton Aycliffe, where it serves Central Avenue and the town centre to the west and Aycliffe Secure Centre and the North-East Centre for Autism at Aycliffe School to the east.
2. Newton Aycliffe sits between Durham City and Darlington, with the site around 2.5 miles north of junction 59 of the A1(M). The settlement is a large town, with a wide range of services, retail offer and employment areas, all located to the west of the A167 trunk road. This road is single carriageway on the approach to the existing junction from both directions. There is a short section of dual carriageway to the south, which reverts to single carriageway again as the road passes between Aycliffe Village and Aycliffe Industrial Estate. There is a bus stop and layby north of the junction on the south-bound carriageway, with a pedestrian crossing point at the traffic lights. Pedestrians can also traverse the A167 close to the access to the above institutions at a controlled crossing north of the junction or an uncontrolled crossing south of the junction, each with a central island refuge. The A167 is subject to a 50mph speed limit in this area. Central Avenue is restricted to a 30mph limit beyond the junction.
3. West of the road, the school and Secure Centre, is countryside which after a distance of around 3/4 mile is designated as an Area of High Landscape Value to reflect a buffer following the course of the River Skerne. There are no Tree Preservation Orders on the site. The site is within a 'pond buffer' that identifies the potential presence of newts. There are no Local Wildlife Sites, SSSIs or other ecological designations in the vicinity. There

are no designated heritage assets within influencing distance, however Welbury House, north-west of the junction does appear on the 1898 OS map and could be considered a non-designated heritage asset (NDHA). This building appears both residential and the base of a commercial landscape gardening business.

4. The existing carriageway is level with the settlement to the west but sits above the screening woodland to the east that separates the two institutions from the road. The woodland appears unmanaged and includes some small functional plant buildings near the roadway in various states of repair.

The Proposal

5. This proposal sits alone as an application to reconfigure the existing 'T' junction from the A167 into Central Avenue and Newton Aycliffe into a crossroad junction. The applicant describes the physical changes to the existing junction arrangement as including: Two lanes southbound on the A167; Two lane exit from the Copelaw allocation; Separate right turn into the Copelaw allocation; A new right lane to allow movements from Central Avenue to the Copelaw allocation; and Signal controlled pedestrian crossing across all arms of the junction. This will involve: widening of the existing A167 and B6443 highways, construction of new traffic lanes, islands and footways, new traffic signal control infrastructure and LED heads, new 200m access road to link with the existing signal junction, a sustainable surface water drainage attenuation system evidenced by the inclusion of a SuDS basin, a new LED system of street lighting columns, earthworks/tree removals/replacement landscape features, removal and topsoiling of the existing unclassified road "Cedar Drive".
6. This would retain vehicular access to the two existing institutions and pedestrian access across the A167. The bus stop and layby on the southbound carriageway north of the junction remains unaffected.
7. The red line application site boundary contains the areas required to undertake widening, new traffic lanes and upgrade works to the existing signalised junction and to also construct a new highway standard link road to connect the site to the improved A167 junction. To enable construction of these works and removal of the redundant existing road the extended site area is 1.98 Hectares.
8. Landscape Plans show works outside the red-line boundary but within the Council, as applicant's wider control.
9. The junction is proposed to serve a future housing development identified in Policy 4 of the Durham County Plan as a housing allocation of 770 dwellings within the Plan period – i.e. up until 2035 and then a further 630 units beyond the Plan period. The allocation is proposed to: provide a new primary school; provide community facilities in the form of a local centre incorporating A1, A2, A3 and A5 where viable and in accordance with other Plan policies; be accessed from a new junction on the A167 and include the redesign of the existing junction at the north end of Newton Aycliffe and Rushyford roundabout; provide strong pedestrian and cycle links across the A167; include significant structural planting along the entire perimeter of the site; incorporate bus, pedestrian and cycle routes within, and connecting to, adjoining facilities. A secondary access will be formed off Ricknall Lane onto the A167. No element of that scheme is being presented as part of the current proposal. There has been no formal scheme or planning application presented for that proposed development. The current roadworks proposed are described as 'unlocking' the potential for future development.

10. This application is being considered by Committee as a 'major' planning application.

PLANNING HISTORY

11. Whilst surrounding facilities have been subject to planning applications, the last significant works being the redevelopment of the Young People's Centre in 2011, the specific application site of the junction has no relevant recent planning history.

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 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
16. *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.
17. *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.
18. *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.

19. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
22. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan

24. *Policy 4 Housing Allocations* identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.

25. *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.
26. *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.
27. *Policy 24 Provision of Transport Infrastructure* states that new and improved transport infrastructure will be permitted where it meets all of the following criteria: being necessary to improve the existing highway network and/or public transport infrastructure; minimising and mitigating any harmful impact upon the built, historic and natural environment and the amenity of local communities including by incorporating green infrastructure; and making safe and proper provision for all users which prioritises the movement of pedestrians, cyclists and public transport.
28. *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).
29. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
30. *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.
31. *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.
32. *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.

33. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
34. *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.
35. *Policy 44 Historic Environment*. Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
36. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

Great Aycliffe Neighbourhood Plan (2017)

37. *Policy GANP CH1 Landscape Character and Townscape* states developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015) and incorporate features which contribute to the conservation, enhancement or restoration of local features.
38. *Policy GANP CH2 Protection of Accessible Local Green Space Designations* states: 'In order to protect local green space new development that would change the character of accessible local green space will only be permitted if the applicant could demonstrate that very special circumstances exist that would justify such an exception, including that the proposal will have a direct community benefit and this outweighs the harm that would otherwise result from the loss of the green space in question'.
39. *Policy GANP E4 Existing Tree Retention and Removal* states 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 need for, and benefits of, the proposal clearly outweigh the loss. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement.

40. *Policy GANP E5 Protection of existing trees within new development* requires that Proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential.
41. *Policy GANP T3 Cycle Provision and Walking Routes* states; Major development proposals must, where appropriate, provide or contribute toward, safe well lit, accessible and attractive cycle routes and public footpaths. New routes may be provided within the site and/or off site depending on local circumstances and should wherever appropriate connect to local schools and shops and maintain or improve access to the countryside. Alternatively, this may include upgrading existing cycle routes and public footpaths. Conversely, development proposals which limit the potential to enhance local cycle or public footpaths will not be permitted.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Highways* – The proposed improvement enables suitable highway access to the proposed Low Copelaw housing site. The revised signalised junction also removes the uncontrolled Cedar Drive access to the developments to the east of the junction. The design of the signalisation in terms of capacity has been based upon and taking into account the future development of the Low Copelaw site. It is noted that additional lanes have been added to introduce additional capacity’.
43. ‘The design has been developed in conjunction with DCC Traffic Signals Team and in accordance with DMRB standards’.
44. ‘Analysis of personal injury incidents in the vicinity of the site show 4 RTCs in the previous 5 years with one being at the Cedar Drive junction. Two of the RTCs involved a failure to obey the signals and the remainder were rear end shunts. This represents a reasonably good record given the volume of traffic controlled by the existing signals. The revised layout is considered an improvement on the previous layout and therefore does not represent a serious safety concern’.
45. ‘The proposed signalised junction includes phasing for pedestrians and cyclists to provide safe means of crossing the various legs of the junction which is a safety improvement’.
46. ‘On the basis of the above I offer no objection to the proposal from a highways road safety perspective’.
47. *Highways England*, consulted on the basis that the proposals affect a trunk road have not responded to their consultation and have therefore not raised objection.

INTERNAL CONSULTEE RESPONSES:

48. The *County Ecologist* advises the development must accord with the requirements of the Development Plan and the NPPF. There are potential options for delivery of the Biodiversity Net Gain (BNG), either through the Countryside Estate or more local delivery, and preferable delivery within Newton Aycliffe in partnership with Aycliffe Town Council and Clean and Green. However, at the current time no specific sites have been identified

and so a bespoke cost cannot be generated for the BNG delivery. As such a rate of £15k per Biodiversity Unit must be applied. Therefore, a maximum of £70,500 will be required as a financial contribution and this must be paid prior to commencement.

49. The Council will aim to determine the off-site location for delivery of BNG prior to commencement and provide a bespoke cost for its delivery, long-term management and monitoring. If off-site locations can be identified prior to development, then the bespoke cost will determine the extent of the financial contribution but will not exceed the previously stated amount.
50. *Landscape Officers* note that a landscape strategy has been produced which is generally acceptable. The principle of planting Suds area (assuming no liner is necessary) with appropriate tree planting has been accepted by DCC drainage. The possibility of such an approach within this scheme should be explored, to provide a SuDS precedent for development within the County. Full detailed planting proposals should be provided in due course. An Arboricultural Impact Assessment has been provided. Landscape comments would concur with those of the Arb. Officer.
51. *Tree Officers* note the proposals involve the loss of twenty-five individual trees and sections of six groups to accommodate the proposals. The loss will have a medium negative impact in the short to medium term. This is a conflict with Policy 40 of the County Plan.
52. *Design and Conservation Officers* point out the presence of Welbury House which lies to the north-west of the existing junction. It is visible on the second edition OS map circa 1898 and may be considered a non-designated heritage asset. The proposed scheme is an amendment to the existing highway arrangement and is not expected to impact on the setting of the identified non-designated heritage asset.
53. *County Archaeology* write that 'the area on the eastern side of this junction has been evaluated by geophysical survey as part of the wider Low Copelaw Development. This survey still needs to be tested and confirmed by trial trenching. Depending on the results of this trenching, further work may need to be carried out. These works could be secured by suggested conditions.
54. *Drainage Officers*, 'advise approval of the surface water management for the proposal'.
55. *Environmental Health (Contamination)* confirm they have no adverse comments to make. There is no requirement for a contaminated land condition. It should be noted that the future residential developments would require consultation under a separate application. A standard 'informative' is suggested for unforeseen contamination.
56. *Environmental Health (Air Quality)* and *(Nuisance)* have acknowledged that in terms of this stand-alone application for the junction works, for the operational phase of the project there will be no increase in traffic movements, and indeed from the more efficient proposed arrangement north-bound with the new filter lane into Central Avenue, air quality and nuisance impacts may be reduced – although this has not been evidenced.
57. For the construction process, standard conditions to ensure working hours Noise and Vibration and Dust Control arrangements will be required, to be secured through a

Construction Management Plan. It would also have been expected for any application to be accompanied by an environmental noise assessment, any such assessment would be expected to be undertaken in line with the Design Manual for Roads and Bridges (DMRB); the DMRB provides guidance and direction for noise evaluation and mitigation in relation to both the construction phase and operational phase of such works.

PUBLIC RESPONSES:

58. A total of 2 representations from the public and the views of Great Aycliffe Town Council have been received in response to the consultation exercise involving 252 individual letters, press and site notices. Of these, 1 objects to the proposals whilst 1 is neutral. Additionally, the Town Council are supportive of the proposals:
59. The Town Council confirm they have no objection and comment that, 'although the construction of this junction will involve the removal of a number of trees, which is against Neighbourhood Plan policies, this is acknowledged in the planning statement. There will be re-planting in due course and the necessity to provide a junction for the expected new development outweighs the GANP policies in planning terms'.
60. In objection, one resident in the adjacent St. Oswald's Court development suggests a roundabout as preferable, with the current proposals purported to be designed 'to annoy motorists and residents' with the ultimate aim of discouraging car usage.
61. A representation neither in support or against the proposals queries working hours and the likely implementation period of the scheme.

APPLICANT'S STATEMENT:

62. The junction improvements on the A167 / B6443 Central Avenue in Newton Aycliffe, will provide suitable access that will help to enable and unlock the future development of the Low Copelaw strategic housing site to the east of the A167. The proposed works will take place in public highway and new highway will also be created with a new access road extending in to the Copelaw site. Works will comprise construction of new traffic lanes, islands and footways, improved traffic signals, a new sustainable drainage attenuation system, new LED lighting columns, earthworks and vegetation removal, along with replacement landscape features and the removal of the existing Cedar Drive access once the areas of highway are complete. The benefits resulting from the scheme are summarised as follows:
 - reconfiguration of the junction and additional traffic lanes will ensure efficient operation and address future anticipated traffic growth;
 - the existing businesses and residents on the Low Copelaw site will benefit from the highway improvements that offer safer egress on to the A167;
 - pedestrians will benefit from improved crossing facilities including push button pedestrian phases that promote safe passage across the A167;
 - improved pedestrian connectivity with street lit footways linking the junction crossings with the Autism Centre and the Secure Unit;
 - new LED lighting installed will be more energy efficient offering cost savings and a lower carbon footprint; and
 - surface water drainage will be improved through provision of sustainable attenuation on site that will offer environmental benefits improving both amenity and biodiversity.
63. The proposal is in line with the development plan (both the County Durham Plan and the Great Aycliffe Neighbourhood Plan) and whilst there will be some disruption experienced by road users during the construction period, this will be overcome by the longer-term

benefits offered by the improved A167 junction scheme and the new highway access that will unlock the development potential of a major strategic housing site for County Durham.

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=RPPBVJGD0BK00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the Development

The Development Plan

65. 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) 2020 and the Great Aycliffe Neighbourhood Plan (GANP) 2017 together constitute the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
66. 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.
67. Whilst there is extensive reference in this application to the proposed works as a precursor to unlock the housing land allocation to the east of the A167 at Low Copelaw, it is submitted as a stand-alone development and must be considered in its own right.
68. To this end, the lead Policy in the County Plan is Policy 24, 'Provision of Transport Infrastructure'. New and improved transport infrastructure will be permitted where it meets all of the following criteria:
- a. is necessary to improve the existing highway network and/or public transport infrastructure;
 - b. minimises and mitigates any harmful impact upon the built, historic and natural environment and the amenity of local communities including by incorporating green infrastructure; and
 - c. makes safe and proper provision for all users which prioritises the movement of pedestrians, cyclists and public transport.
- Transport infrastructure proposals should also meet at least one of the following criteria:
- d. supports economic growth;
 - e. enhances connectivity either within the county or with other parts of the region; or
 - f. accommodates future development sites.

69. Considered in its own right, as submitted, the proposed layout results in a more efficient and safer access into Central Avenue, and also into the establishments to the east. Detailed implications for the individual criteria will be discussed in the topic headings below. The intent of the proposed works is ultimately to serve criteria f.

Highways Safety and Access

70. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Highways aspects of the Neighbourhood Plan relate to parking and cycling issues, where Policy T3 requires that major development proposals must, where appropriate, provide or contribute toward safe well lit, accessible and attractive cycle routes and public footpaths.
71. Highways Officers offer no objection to the proposals, noting the low accident level data at the junction and the benefits of adding an additional lane and control over the traffic movements into Central Avenue. That the junction has the capacity to accommodate future allocated housing development east of the A167 is acknowledged.
72. A nearby resident has written in objection suggesting use of a roundabout as a preferred design. The applicant notes, *'the current signal junction works well and is better suited to manage variable traffic flows, differing speed limits and pedestrian movement. The strategy was therefore to improve and enhance what is already there. To accommodate future traffic numbers, our transport engineers modelled the junction with predicted traffic flows, and this determined it would operate more efficiently by introducing additional lanes to separate turning movement. Modelling the proposed layout and extra arm demonstrated that it would function not dissimilar to what is experienced currently, plus it will still operate on similar stages - main road/right-turns/side roads. The current proposal also improves pedestrian/cyclist management and promotes safe passage from one side of the A167 to the other and with future pedestrian activity to increase and the possibility of a school being built on the site, we wouldn't wish to remove this facility'*. Ultimately, the planning assessment and decision must be based on the merits of the scheme as proposed and not suggested alternatives.
73. Neighbourhood Plan Policy T3 Cycle Provision and Walking Routes requires major development proposals to contribute toward, safe well lit, accessible and attractive cycle routes and public footpaths. New routes may be provided, or this may include upgrading existing cycle routes and public footpaths. The County Highways Officer notes that 'the proposed signalised junction includes phasing for pedestrians and cyclists to provide safe means of crossing the various legs of the junction which is a safety improvement', a device which is concluded to bring compliance with this Policy.
74. No objection has been received from Highways England for the proposed scheme.
75. The proposals have been assessed in detail for their highway safety implications and notwithstanding the objection from a nearby resident are concluded to be a Policy compliance improvement to the existing junction of a standard that can accommodate

anticipated residential development to the east of the A167 at Low Copelaw. The requirements of CDP Policy 21, GANP Policy T3 and part 9 of the Framework are met.

Layout and Design

76. 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. Neighbourhood Plan Policy CH1 similarly states developments must respect the landscape character of the parish and its settlements.
77. As changes proposed by the application relate to the layout of the carriageway and its immediate surroundings there are limited implications for the requirements of these conditions. The introduction of an additional filter lane northbound to access Central Avenue does result in the loss of some open area and landscaping in that location and this must be carefully assessed. These open spaces are of critical importance to the character and social history and townscape of the settlement, west of the A167, reflecting (to quote the Neighbourhood Plan), 'Lord Beveridge's vision for the new town of Newton Aycliffe was of a 'Welfare State', where poverty, unemployment and squalor would be no more. Newton Aycliffe was to be 'a paradise for housewives' with houses grouped around greens, so children could play safely away from the roads'. 'Beveridge's Vision is an important aspect to our heritage and defines the character of Newton Aycliffe, protecting the green and open spaces is vital'. The extent of the works proposed, and the mitigating landscape works proposed is such that Officers consider the essential compliance with Policy GANP CH1 and therefore CDP Policy 29 is met.

Landscape and Visual Impacts

78. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. 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 CDP Policy 29. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Neighbourhood Plan Policy CH1 Landscape Character and Townscape states developments must respect the landscape character of the parish and its settlements. 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. Again, Policy GANP as quoted in the previous section is considered relevant.
79. Landscape Officers consider the first landscape strategy generally acceptable. They asked that as the principle of planting Suds area with appropriate tree planting has been accepted by DCC drainage, the possibility of such an approach within this scheme should be explored, to provide a SuDS precedent for development within the County. An updated landscape scheme to include planting in the SuDS basin has been included.

80. Full detailed planting proposals should be provided in due course. A condition to this end, to provide both landscape and ecology benefits is proposed. With this additional requirement, the proposed approach to landscape effects is considered acceptable subject to compliance conditions.

Open Space and Trees

81. Whilst the area of open space affected by the development east of the A167 is small in area, with its position adjacent the trunk road and limited in terms of functional leisure value, the green spaces framing the main transport arteries of Newton Aycliffe are however of particular value.
82. The Great Aycliffe Neighbourhood Plan contains Policy GANP CH2 for Protection of Accessible Local Green Space Designations. The entrance to Central Avenue at the junction with the A167 is identified as both Local Green Open Space and a Green Corridor. The first of these Policies states that *'in order to protect the 'vision' of Lord Beveridge local green space will be protected in Great Aycliffe'. 'New development that would change the character of accessible local green space will only be permitted if the applicant could demonstrate that very special circumstances exist that would justify such an exception'*. Exceptions include where: *'the Applicant can demonstrate that such loss is related to essential infrastructure works required by a service utility which cannot be accommodated elsewhere'*, and where *'the proposal will have a direct community benefit and this outweighs the harm that would otherwise result from the loss of the green space in question'*. Again, Policy 40 of the CDP is of relevance here also.
83. The proposed works do not fit neatly into either criteria, however both are relevant by degree. The works the application proposes are obviously specific to the site and the extent of the works is such that intrusion into the 'Local Green Open Space' and Green Corridor' designations shown in Appendix C and D of the Neighbourhood Plan is minimal. The proposals will in the short term make the junction more efficient with benefits for its users. In time the proposals have the potential to provide wider benefits if and when the development east of the A167 envisaged by the housing allocation in the County Plan is presented, but at present this is not material in the assessment of the application – contrary to the applicant's Planning Statement. The proposal therefore conflicts with GANP CH2 as it would result in loss of accessible local green space and would not fit within any of the exceptions in that policy. This is an adverse impact which will need to be weighed up in the planning balance.
84. Tree Officers note conflict from the proposed tree removals with Policy 40 of the County Plan. There are similar implications from the tree loss against Policy E4 of the GANP.
85. The submitted Landscape Strategy shows the mitigation proposed for the works, with the AIA and Planning Statement acknowledging the tree removals required to facilitate the proposed works. New tree planting, hedging and grass and wildflower areas are proposed. Existing woodland and tree areas west of the A167, i.e., on the settlement side are largely unaffected, with all retained trees to be protected during construction works. Proportionate to the nature of the works proposed in that area, this mitigation is considered appropriate, and respectful of the intent of the Neighbourhood Plan Policy, and if the option of BNG mitigatory planting in land within Newton Aycliffe can be agreed, the level and value of this mitigation is increased.
86. Whilst mitigation has been shown and can be secured by condition, that the tree loss has been raised as a Policy conflict brings this element of the proposals into the planning balance to be considered against the benefits of the scheme.

Ecology

87. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts, 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. Elements of 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.
88. The County Ecologist notes there are potential options for delivery of the BNG, with discussions underway for either implementation through the Countryside Estate or more local delivery, and preferable delivery within Newton Aycliffe in partnership with Aycliffe Town Council and Clean and Green. However, at the current time no specific sites have been identified and so a bespoke cost cannot be generated for the BNG delivery. As such a rate of £15k per Biodiversity Unit should be applied. Therefore, with 4.7 bio-diversity units involved, a maximum of £70,500 will be required as a financial contribution and this must be paid prior to commencement.
89. Were the ecology gains to be delivered in Great Aycliffe they would need to comply with the requirements of Policy CH1 of the Neighbourhood Plan, but by their very nature, this should be compliant.
90. The BNG will also need to mitigate any ecological shortfall between the proposed landscape plan and the tree losses as highlighted by the Tree Officer.
91. The Council as applicant, with constrained timescales relating to funding, has stated they aim to determine the off-site location for delivery of BNG prior to commencement and provide a bespoke cost for its delivery, along with long-term management and monitoring proposals. If off-site locations can be identified prior to development, then the bespoke cost will determine the extent of the financial contribution but will not exceed the amount stated above. This must be a minimum expectation.
92. An applicant would usually be expected to secure the delivery of a specific BNG scheme through a s.106 planning legal agreement and a long-term maintenance agreement under s.39 of the Wildlife and Countryside Act to secure management agreements with the owners and occupiers of land. If the BNG is delivered in the landholdings of the Town Council, a s.39 agreement will be required. If on County Council controlled land, with the County Council unable to enter into a legal agreement with itself a condition would be required. A preference for a condition for all these requirements has been indicated.
93. A requirement within the recommendation to secure an internal transfer of funds to County Ecology will be needed to secure the essential net bio-diversity gain, with a condition to ensure the subsequent implementation, monitoring and maintenance of the scheme this will enable. This would bring compliance with Policies 26, 35, 41 and 43 of the CDP, Policy CH1 of the Neighbourhood Plan if required and part 15 of the Framework.

Heritage and Archaeology

94. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting, mirroring the advice in part 16 of the Framework. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Policy 24 seeks to ensure that transport infrastructure works respect the historic environment.
95. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
96. There are no listed buildings on or adjacent the site, so no implications under the Planning (Listed Buildings and Conservation Areas) Act 1990. Welbury House can be identified on the OS Survey from 1898 onwards, and this including the stable building to its rear, can be considered a non-designated heritage asset (NDHA). Part 16, paragraph 203 of the Framework advises the effect of an application on the significance of a NDHA should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The application proposes minor alterations to the extent of the highway around Welbury House. The Landscape Strategy shows a small area of trees in the public highway south of the property retained, with new planting proposed adjacent the footpath. Welbury House and its curtilage are not physically affected by the proposed junction works, and the retained and new planting ensures there is no affect on the setting of or harm to the NDHA. This aspect of the assessment is considered compliant with the requirements of Policy 44 of the County Plan, informed by part 16 of the Framework. There are no relevant Policies in the GANP for NDHAs.
97. The County Archaeologist has advised that the area on the eastern side of this junction has been evaluated by geophysical survey as part of the wider Low Copelaw Development. This survey still needs to be tested and confirmed by trial trenching. Depending on the results of this trenching, further work may need to be carried out. These works could be secured by the conditions set out below.
98. The open spaces separating the A167 and the main transport arteries in Newton Aycliffe have a historical value as described elsewhere in this report and as protected in Policy CH2 of the Neighbourhood Plan. As assessed and justified in the relevant section, the effect on these areas is minimal and does not undermine their value in reflecting the 'vision' of Lord Beveridge.
99. These assessments and conclusions show that the proposals can meet the requirements of Policies 44, 24 of the CDP, Policy CH2 of the GANP and part 16 of the Framework.

Residential Amenity

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

aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

101. North-east of the junction, the current 19.8m separation distance between the edge of the vehicular carriageway and the nearest property in St. Oswald's Court is proposed reduced by 2.3m. This distance is principally composed of open space and a footway that runs parallel with but separate from the roadway. This land is not public highway but is owned by the Council.
102. South of the junction, with an extra lane proposed to serve Central Avenue and the access into Newton Aycliffe the current separation of 61.5m is reduced by 8.0m to 53.5m affecting 6 dwellings in Welbury Grove.
103. Environmental Health (Air Quality) and (Nuisance) acknowledge that in terms of this stand-alone application for the junction works for the operational phase of the project, there will be no increase in traffic movements, and indeed from the more efficient proposed arrangement north-bound with the new filter lane into Central Avenue, air quality and nuisance impacts may be reduced – although this has not been evidenced. Given the distance to the nearest sensitive receptors, this element of the works is concluded acceptable.
104. The construction works have the potential to affect residential amenity and it is advised that the imposition of conditions to secure a Construction Management Plan that will include control of noise and dust is required, an addition to standard working hours conditions to mitigate the potential for disturbance.
105. In terms of reasonable expectations of residential amenity, the proposed works are concluded acceptable in terms of the requirements of Policies 29 and 31 subject to the imposition of appropriate conditions where indicated.

Flooding and Drainage

106. Policy 35 County Durham Plan 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. 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 tests are passed, informed by a site-specific flood risk assessment.
107. Council Drainage Officers who represent the Lead Local Flood Authority raise no objection to the proposals which includes a new SuDS basin adjacent the new east leg of the crossroads that replaces the existing access to the school and Young Persons' facility meeting the Policy requirement for a Sustainable Drainage System. There is no foul water element to the proposals.
108. The requirements of Policy 35 of the County Plan, advise by parts 14 and 15 of the Framework are considered addressed.

Other Considerations

109. The site does not lie within a Mineral Safeguarding Area and is not affected by records of historic mining activity that would require land stability investigations. A gas pipeline and restrictive buffer zone pass to the north-east of the proposed junction, under the Young Persons' Facility, but not affecting the development site. The relevant parts of Policies 28, 32 and 56 are therefore unaffected following the guidance of part 15 of the Framework.
110. Environmental Health (Contamination) Officers have assessed the historical maps and available information with respect to land contamination and confirm they have no adverse comments to make, nor any requirement for a contaminated land condition. A standard 'informative' is suggested to cover the potential for unexpected contamination. This would meet the requirements of CDP Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.
111. Whilst within the catchment areas that have Nutrient Neutrality constraints, the proposals have no implications for this concern.
112. The proposal has generated some public interest, with 1 objection and 1 representation having been received from local residents. The points raised have been taken account and addressed within the report, the objection arguing for a roundabout arrangement as an alternative to the proposed crossroad arrangement.
113. Special attention is drawn to the Town Council's comments who acknowledge that there will be re-planting in due course and the necessity to provide a junction for the expected new development outweighs the conflict with the Neighbourhood Plan Policies in planning terms.
114. Considered for Environmental Impact Assessment it is concluded that the proposed planning application does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and therefore an Environmental Impact Assessment is not a mandatory requirement.
115. A Screening Opinion undertaken for the proposals concludes that the scheme falls under Schedule 2. Column 10.f. - Construction of Roads, as an upgrade of the existing facility. A Screening Opinion is the local planning authority's (LPA) formal view as to whether a particular proposal is EIA development and should be the subject of an Environmental Statement (ES) as part of the planning application process. Taking account of the selection criteria in Schedule 3, the proposal is not likely to have significant effects on the environment. An Environmental Impact Assessment is concluded as not required (subject to Secretary of State's power to make directions).

CONCLUSION

116. 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.

117. The proposal is in its own right for a more efficient form of road junction. Highways Officers have confirmed that traffic flows will be more efficient with the improved access to Newton Aycliffe by Central Avenue. Access across the A167 and to the facilities east of the junction and to the southbound bus stop will be improved by degree. There are the benefits of this scheme as it stands alone.
118. It is also a development that could serve future applications for allocated housing development. Whilst as set out in the submission these future developments could deliver significant planning benefits, in the absence of formal proposals for such, they are of little if any weight.
119. Bio-diversity Net Gain must be secured by the approval, in terms of defining the proposals and making sure they meet the required thresholds, and then in its implementation, monitoring and management over the standard extended period of time. The proposed mechanism for securing this is not standard but put forward as the best available in this case.
120. The proposal conflicts with GANP CH2 as it would result in loss of some accessible local green space and would not fit within any of the exceptions in that policy. The small area of land involved, and the planned compensatory landscaping scheme is considered an appropriate mitigation for the level of harm involved.
121. Between the early stage at which the ecology has been submitted and the loss of trees contrary to Policy 40 of the CDP means this application must be considered in the planning balance. Even considered alone as a more efficient version of the existing junction, with improved access into Newton Aycliffe, the proposals are considered to have sufficient benefits as to outweigh identified harms, as acknowledged by the Town Council.
122. Undertaking the required 'planning balance' of the merits of the scheme against its conflicts with the Development Plan, the proposals are concluded to be acceptable, subject to the mitigations and conditions set out in the recommendation below.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of an internal transfer of funds to the Council's Ecology section, prior to commencement of the scheme, to secure the following:

- £70,500 to be used towards biodiversity enhancements as part of a 30-year management plan in accordance with the framework identified in Durham County Council's Biodiversity Compensation Strategy:

and 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 development hereby approved shall be carried out in strict accordance with the Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 4, 10, 19, 21, 24, 29, 31, 32, 35, 36, 39, 41, 44 and 56 of the County Durham Plan, Policies CH1, CH2, E4, E5 and T3 of the Great Aycliffe Neighbourhood Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to commencement of the development a scheme to meet the biodiversity net gain requirement of 4.7 Biodiversity Units to include a Biodiversity Management and Monitoring Plan (BMMP) covering a 30-year period from the date the habitats were created, or a payment in lieu of such at a rate of £15k per Biodiversity Unit 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 in writing to the Local Planning Authority after each monitoring visit. The BMMP should include any proposed ecological enhancements. Where land identified for delivery is not within the control of the applicant the BMMP must be subject to a s.39 agreement under the Wildlife and Countryside Act 1981.

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.

4. 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 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, 39 and 40, Great Aycliffe Neighbourhood Plan Policies CH1, CH2, CH3, E1 and E4 and Parts 12, 15 and 16 of the National Planning Policy Framework.

5. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in full and in complete accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with Policy 44 of the County Durham Plan 2020 and 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.

6. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be brought into use 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 comply with paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

7. Before undertaking the approved development scheme, the applicant must provide and receive written agreement for:

A Dust Action Plan including measures to control the emission of dust and dirt during construction in line with Institute of Air Quality Management (IAQM) guidance and with reference to Durham Council's Construction/Demolition Management Plan Guidance.

- a. Details of methods and means of noise reduction/suppression.
- b. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- c. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- d. Designation, layout and design of construction access and egress points.
- e. Details for the provision of directional signage (on and off site).
- f. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- g. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- h. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- i. Routing agreements for construction traffic.
- j. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- k. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- l. Management measures for the control of pest species as a result of demolition and/or construction works.
- m. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

8. Before undertaking the approved development scheme, the applicant must provide and receive written agreement from the Local Planning Authority for an environmental noise assessment, to be undertaken in line with the Design Manual for Roads and Bridges (DMRB) and with adherence to any mitigation identified therein as necessary during the full course of construction works.

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

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.

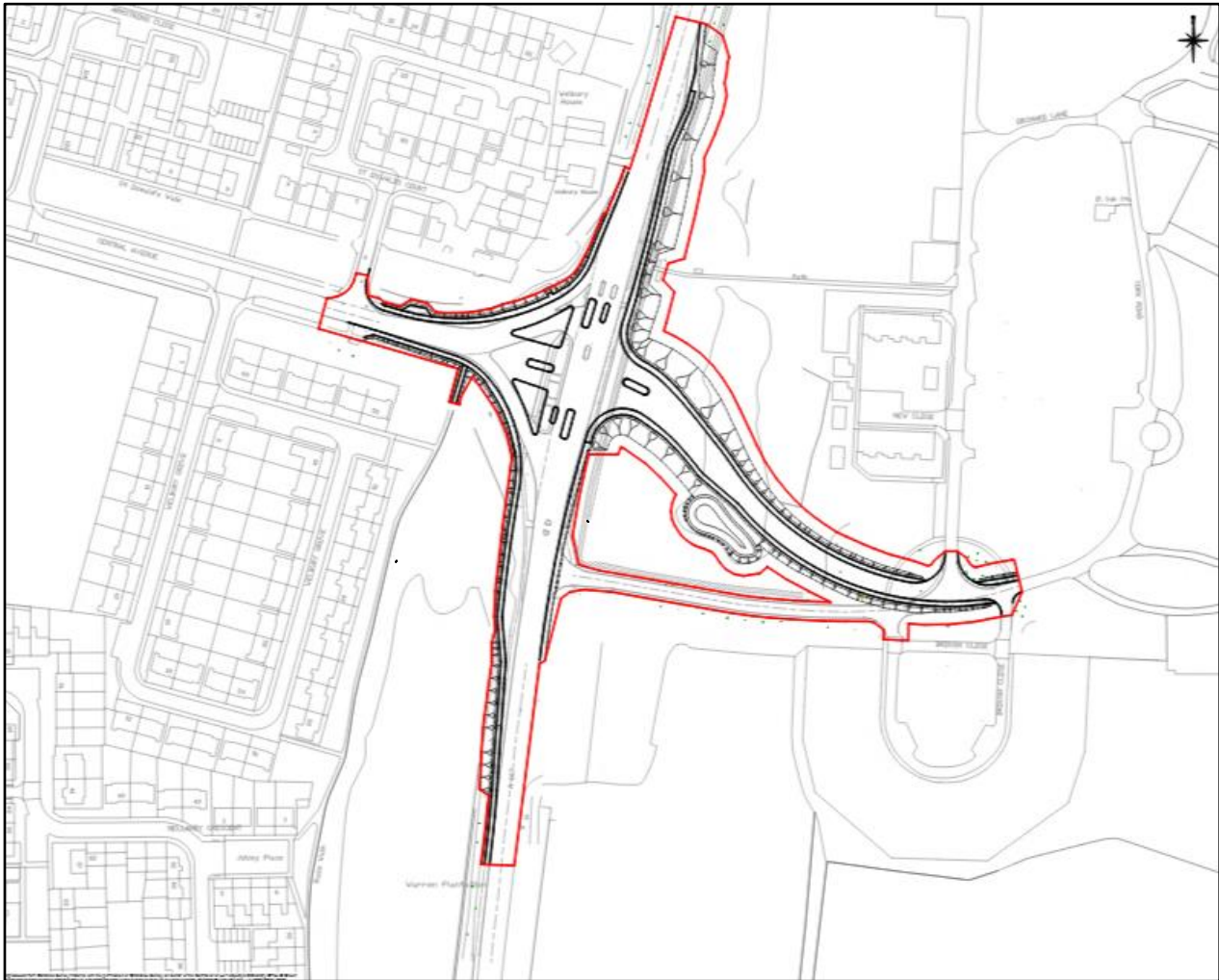
PUBLIC SECTOR EQUALITY DUTY

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 consider that the scheme in reflecting in particular the needs of members of the public with accessibility issues to a Policy compliant standard incorporates elements that ensure the development has the potential to be attractive to all and demonstrates that the requirements of this Act have been considered.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan 2020
- Great Aycliffe Neighbourhood Plan 2017



<p>Planning Services</p>	<p>DM/23/00341/FPA Creation of new junction and associated highway improvements on A167</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>A167 - B6443 Central Avenue Newton Aycliffe Durham DL5 6JA</p>	
	<p>Date 4 April 2023</p>	<p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/03238/OUT
FULL APPLICATION DESCRIPTION:	Outline application for Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved.
NAME OF APPLICANT:	Banks Group
ADDRESS:	Land to the North of Mount Oswald South Road Durham DH1 3TQ
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Steve France Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Application

1. This is an Outline Planning application, requesting approval of the principle of a scheme of Purpose-Built Student Accommodation (PBSA), with all detailed matters 'reserved' to be determined through later application.
2. To show that the quantum of development proposed can be achieved on the site the supporting information sets out an indicative scheme indicating how it could be implemented, but if approved the 'reserved matters', therefore: layout, access, scale and appearance of the development would all be subject to further control through applications to agree the scheme in detail.
3. This area of the site was identified as for either University or residential development in the original Masterplan.
4. The description of the application has been recently amended from its description as first advertised to 'Accommodation comprising up to 850 bedrooms' to give potential flexibility to the consideration of reserved matters.

The Site

5. The main Mount Oswald site, based around the Grade II listed Manor House – latterly Club House – was granted Outline Planning Permission in 2013 for a mixed-use development 'comprising 291 dwellings, including specialist market housing for the

elderly, student accommodation, office, retail, community uses and associated infrastructure’.

6. The golf course sat bordered by residential and University development to the north, and further residential development to the south. The A177 (South Road) ran along the eastern boundary, with the Howlands Farm Durham University campus and Howlands Park and Ride car park, Durham Crematorium, and Durham High School beyond, the countryside designated as Green Belt and as of High Landscape Value. The A167 ran along the western boundary, with open countryside beyond again designated as Green Belt and part designated as an Area of High Landscape Value. A central band of landscape was included in the Local List of Historic Parks and Gardens.
7. The current application site sits due north of the listed building and is unaffected by any of the landscape designations. Large elements of the approved 2013 Outline consent have now been implemented including a development of 1000 bedrooms of student accommodation, John Snow College to the east and market housing served on the shared boundary by St. Georges Way to the west.
8. The broadly rectangular site is 3.17ha in area and sits centrally on the north boundary of the former Mount Oswald Golf Course, which is defined by Millhill Lane, a public footpath, surfaced and also set out for cycle use. Currently the site is undeveloped and covered in scrub grassland with scattered trees. The formed land slopes down to the north-east, with existing site features restricted to a single protected tree and underground, a covered mine shaft.

The Proposal

9. In January 2018 the Banks Group was granted consent for outline planning permission for PBSA comprising 850 bedrooms, with all matters reserved on the same site. This consent was not implemented within the prescribed time limit.
10. The applicants describe the format of this new application as to give more time for a detailed scheme to be drawn up and to re-present the information submitted and approved in 2016 with updates where necessary. The indicative layout accompanying the application and design principles are unchanged.
11. The Outline application is for ‘Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved’. Within the context of this, the applicant has provided an indicative layout showing 11 buildings of varying size and height, the latter reflecting the landform and the relative heights of adjacent buildings on the west and east boundaries.
12. The supporting information states, ‘it is anticipated that the majority of student beds would be provided within “cluster flats” of between five and ten bedrooms’, and that ‘there would be a small number of studio apartments and/or town houses within the scheme’.
13. This application is being considered by Committee as a ‘major’ development scheme.

PLANNING HISTORY

14. CMA/4/83 Outline planning application with access details (all other matters reserved) for a mixed-use development comprising 291 dwellings, to include specialist market housing

for the elderly, student accommodation, office, retail, community uses and associated approved in 2013. This outline planning permission lapsed in 2020 in terms of potential for reserved matters applications.

15. DM/14/01268/RM Reserved matters application in regard to northern access road pursuant to planning permission CMA/4/83 approved in September 2014.
16. DM/14/03391/RM Reserved matters application pursuant to outline planning permission CMA/4/83 in respect of internal western shared access road and associated earthworks and drainage approved in December 2014.
17. DM/15/02268/NMA Non-material amendment pursuant to drawing PAD7A as part of Reserved Matter application DM/14/03391/RM approved in August 2015.
18. DM/15/03555/VOC Variation of condition 3 (approved drawings) pursuant to planning permission CMA/4/83 in regard to a revised masterplan that includes landscape and drainage modifications approved in May 2016.
19. DM/16/04067/OUT Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved. Approved by Committee in May 2017.

This application established the principle of PBSA on the site and set parameters for the reserved matters application, this includes:

- a. Maximum number of student beds (850) as controlled by Condition 2;
- b. Maximum storey height of 4 storeys as controlled by Condition 3; and
- c. Building heights should be a maximum of 2 storeys at the west of the site as controlled by Condition 4, specifically the building heights approved plan (HJB/PA677/387 PA10) and cross section approved plan (HJB/PA677/380 PA08).

PLANNING POLICY

NATIONAL POLICY

20. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
21. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
22. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

23. *NPPF Part 5 – Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 65 exempts developments of specialist accommodation for students from providing an affordable element.
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 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.
25. *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.
26. *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.
27. *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.
28. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
29. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
30. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan

32. *Policy 6 (Development on Unallocated Sites)* supports 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 character of the 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; makes use of previously developed land and reflects priorities for urban regeneration.
33. *Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation)* seeks to provide a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
34. *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.
35. *Policy 22 Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
36. *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.
37. *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.

38. *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.
39. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
40. *Policy 28 (Safeguarded Areas)*. Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.
41. *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).
42. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
43. *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.
44. *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.
45. *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.

46. *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.
47. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
48. *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.
49. *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.
50. *Policy 44 Historic Environment*. Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
51. *Policy 45 Durham Castle and Cathedral World Heritage Site*. Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exception circumstances.
52. *Policy 56 - Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.
53. *Residential Amenity Standards Supplementary Planning Document (Amended 2023)* sets out guidelines for separation distances and minimum garden lengths on new development.

Durham City Neighbourhood Plan

54. *Policy S1 Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* - sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
55. *Policy S2: The Requirement for Masterplans or Other Design and Development Frameworks* - supports the preparation of such documents for all major development sites prior to consideration through a planning application. Such Masterplans should consider job creation, design, impacts on views and settings of the WHS, amenities, impacts to conservation areas, reducing the need to travel, permeability and provision of green infrastructure.
56. *Policy H1: Protection and Enhancement of the World Heritage Site* - requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
57. *Policy H3: Our Neighbourhood Outside the Conservation Areas* – requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
58. *Policy G1: Protecting and Enhancing Green and Blue Infrastructure* - seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.
59. *Policy G3: Creation of the Emerald Network* - 17 sites of wildlife interest that are linked are identified by this policy which supports the improvement of biodiversity of the sites, improving the amenity of the sites and the accessibility to and between these sites

provided there is no significant harm to biodiversity. Connections between the sites is relevant.

60. *Policy T1: Sustainable Transport Accessibility and Design* – requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate.
61. *Policy C1: Provision for Arts and Culture* – would support proposals for public art where they enhance the area they would be sited within, these to be considered at the detailed design stage and include links to existing public art.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637738120004600000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

62. *Highways* – comments were initially provided in January 2021 and updated in March 2023. They note an agreed strategy of mitigation for impacts of the Mount Oswald development was set out in the original outline application for the Mount Oswald site section 106 agreement This includes subsidy of improved public transport services into the site. It is understood payment for improved public transport / park and ride and increased park and ride provision has been met and an additional bus service currently serves the site.
63. The transport assessment produced in 2016 has been submitted in support of the application together with the addendum to that TA, with the methodology used considered robust.
64. The addendum describes a 'no car' development (5.1.3). with limited vehicular access and no parking available for student residents. Given the location and access to sustainable transport routes to the University estate this is considered acceptable.
65. Two primary routes will be used by pedestrians either linking to the footways to Mill Lane or to footways on the Mount Oswald Northern Access Road. Both routes then link to the recently constructed pedestrian/cyclist facility provided by Durham University which runs parallel to South Road linking to University teaching blocks. It is estimated the development will generate an additional 100 pedestrian two-way trips at peak on each of Mill Lane and the Northern Access Road.
66. It is important that, with such increases in pedestrian demand on footways the infrastructure can accommodate the demand without pedestrians stepping into the carriageway. This has not been demonstrated in the assessment. Highways Officers have therefore undertaken a brief pedestrian comfort analysis. Considering demand at a level of 80% pedestrians together with demand from neighbouring development would result in approximately 9.5ppmm at peak. This is considered an acceptable level of demand for the use proposed.
67. Links to Mill Lane Path are shown to be of an adopted standard. i.e. hard paved and street lit. It is essential that Mill Lane path is presented to the same adoptable standard to accommodate safe all year use of the shared route. The path is currently adopted but an upgrade will be required (in accordance with the recently published LTN120 cycle infrastructure design guide) which will include ensuring paths are wide enough for shared

pedestrian/ cycle use and street lighting is suitable to current adoptable standards. The applicant will need to enter in to a S38/S278 Highways Act agreement with this highway Authority to deliver upgrades to the pedestrian/ cycle network to Mill Lane.

68. Whilst referenced in the various documents supporting the application. No direct commitment is made to funding and delivery of No waiting No loading restrictions on the access roads leading from the Northern Access Road to either side of the development. Highways officers wish to secure a contribution from the applicant to deliver restrictions on these parts of the network to ensure no parking takes place alongside the development. It is noted that the University will apply its own parking control within the development.
69. A Construction Management Plan would be required given proximity to residential development and the northern access road paying attention in particular to parking provision for operatives on the site and HGV delivery and servicing facilities.
70. It is noted that a student management plan for arrivals and departures at the ends of terms is proposed. A condition should be secured to ensure the management plan can be delivered without significant impact on the local highway network.
71. Whilst internal layout is not presented for comment Highways Officers wish to advise that at the reserved matters stage the applicant would need to address issues of access to parking, servicing and provision of cycle parking and signage.
72. Updated advice confirms the original advice is still relevant; A detailed Management Plan for arrivals and departures at the beginning and end of term would still be necessary. Such a Management Plan could be secured by condition. Details of access to parking, servicing and provision of cycle parking and signage would be required as part of any reserved matters application and could also be secured via condition.
73. *Northumbrian Water* – confirm they have no issues with the proposals provided they are carried out in full accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy and Foul Water Drainage Strategy. A condition is suggested to achieve this along with an informative to ensure no conflict with existing foul drainage apparatus that may be present on site.
74. *The Coal Authority* - have no objection to the application but note the presence of a recorded mine entry on the land for which there are no records of treatment. They advise against building over the entrance, even when capped and suggest conditions to ensure the implications of this feature are fully addressed and incorporated into the detailed proposals.
75. *Environment Agency* – no response.

INTERNAL CONSULTEE RESPONSES:

76. *Spatial Policy* – confirm that the Durham City Neighbourhood Plan (DCNP) has been adopted on 23rd June 2021 and now forms part of the statutory Development Plan for the Durham City Neighbourhood Area, which includes this application site.
77. They consider the key planning policy considerations outlined in this response therefore relate to: Acceptability of Purpose-Built Student Accommodation in this location,

Environmental considerations, World Heritage Site and other Designated/Non-Designated Heritage Assets, Design and infrastructure requirements.

78. The principle of development sits under Policy 6 which supports development within the built-up area provided the proposal accords with the relevant development plan policies in this case primarily Policy 16 which includes PBSA.
79. As there are no internal layouts detailed as part of this outline application and this is only an indicative layout it is difficult to determine whether all of the criteria of this policy can be met. So, whilst the principle of PBSA in this location would be, in general terms, supported by this policy, it is recommended that issues around the key constraints on the site are resolved prior to a reserved matters application being submitted to ensure an appropriate design is brought forward.
80. PBSA should be designed to meet the accommodation needs and aspirations of the student population. The development should be accessible and appropriate to disabled students. It is considered prudent for the design of PBSA to build in flexibility to ensure that it could potentially appeal to other users. For instance, outdoor areas designed for student amenity areas could be re-purposed for car parking should it be required in line with a future use on the site. Developers should ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation. A management plan will be required at Reserved Matters stage of the application process. The implementation of the management plan will be controlled using planning conditions or an appropriate legal agreement. The management plan should set out what measures will be put in place to ensure the best integration of the development with the local community and neighbours. It will also address issues such as, but not limited to, the tenants moving in and out at the beginning and end of each term, management of the building, tenancy agreements, fire and health and safety and community liaison. The management plan should also address opportunities for waste recycling.
81. Policy 26 (Green Infrastructure) of the CDP expects new development to maintain and protect, and where appropriate, improve the county's green infrastructure (GI) network. Development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. New GI will be required to be appropriate to its context and of robust and practical design, with provision for its long-term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the NPPF. Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). A calculation is set out in the OSNA, listing relevant open space typologies. As the proposal is only outline and the full details of the scale and layout of the buildings are not defined at this stage, a mechanism to calculate the green infrastructure requirements may need to be fixed at outline stage, with the amounts defined at reserved matters stage.
82. Whilst the general principle of PBSA in this location is acceptable in policy terms, there is insufficient information to determine if the scale and design parameters of the proposed development are acceptable. The development proposal has scope to be compliant with the CDP subject to the applicant demonstrating compliance with the relevant policy criteria listed above at reserved matters stage.

83. It is recommended that given the constraints of the site, where appropriate, design parameters required to make future development acceptable are conditioned as part of any planning approval.
84. *Archaeology* - There is no archaeological objection to this scheme
85. *Design and Conservation* - The details within the application remain the same with indicative layouts and massing parameter drawings. The assessment of Heritage impact remains the same. The reserved matters application should pay particular attention to the critical interfaces with the now built adjacent developments and associated infrastructure, with opportunities to review the existing indicative plans. The continued evolution of PBSA to reflect end user expectation and requirements, and the requirements within national and local policy to deliver high quality sustainable design will ultimately determine the layout, scale, form, mass and landscaping of the scheme and the number of student beds within it. Conservation Officers do not consider the development site affects the setting of the World Heritage Site.
86. *Drainage and Coastal Protection* – consider the amended Flood Risk and Drainage Strategy to be satisfactory and therefore confirm they have no objection to the proposal for surface water management. They have provided a detailed pre-commencement condition setting out requirements for detailed plans, Method Statements and a Management Plan.
87. *Ecology* - Confirm that land at Inkerman Road near Tow Law proposed for BNG displacement and compensation is considered suitable for off-site BNG enhancement for the Mount Oswald student accommodation development. If this is taken forward by the applicant an updated BNG assessment together with a Biodiversity Management and Monitoring Plan to cover both sites (and any BNG at Mount Oswald) should be provided. The BMMP should include monitoring and reporting of the monitoring results to DCC planning after every monitoring visit.
88. *Environmental Health (Air Quality)* – consider that areas within their remit can generally be addressed by conditions to be discharged with reserved matters applications when the exact nature of the development is known. No specific Air Quality assessment has been undertaken for the current application – nor the previous approval. The site is within 1km of the Durham City Air Quality Management Area.
89. *Environmental Health (Contamination)* - have examined the submitted reports and information submitted in support of the wider development site, concluding there is no need for a contaminated land condition, suggesting a standard precautionary ‘informative’ to cover the potential for unforeseen contamination being discovered during the course of development works. There is no requirement for a contaminated land condition.
90. *Environmental Health (Nuisance)* - Officers have offered advice for the detail of the required Construction Management Plan that will ensure the implications of the Construction process are fully assessed in the Reserved Matters process. This includes, but is not limited to dust management, noise and vibration, operating hours and days, liaison measures and storage of materials.

91. In *Sustainable Transport the Integrated Passenger Transport Group* – request imposition of a Standard condition requiring a Residential Travel Plan to be submitted and approved prior to occupation.
92. *Sustainable Travel* – have provided headline comments including the need to ensure walking and cycling routes directly and safely connect to existing networks ensure routes adhere to LTN 1/20 standards, ensure cycle storage fulfils BREEAM, share draft design details for routes and parking.
93. *Targeted Recruitment* – no response

EXTERNAL CONSULTEE RESPONSES:

94. *Durham University* – have confirmed they do not object to the principle of student accommodation at this location and notes that Purpose Built Student Accommodation is popular with some students and its provision supports choice in the market.
95. To assist with the assessment of need for this particular development, the University Strategy 2017-2027 has a target of 21,500 active students by 2027. The University has exceeded this target for a short period of time due to the outrun of the A-level cycles in 2020 and 2021 and the expectation is to return to the overall target in the coming years as the 2020 & 2021 intakes graduate. In terms of registered term time address of students as at 1st December 2022, the official census date, 18,760 lived within DH1 of which 7,563 were in College affiliated accommodation, there are also 1,597 students that resided within daily commuting distance of Durham University. 1,774 students are studying away from Durham or on online courses and who do not reside in Durham City.
96. *NHS Local Healthcare* has used a standard methodology to ascertain if mitigation is required to sure the demands the development could place on local healthcare services are met. Identifying that the University Health Centre is struggling with space requirements to deliver services, they suggest funding secured through a s.106 agreement would assist them in providing the additional floorspace required to provide services to patients. With a patient increase of 850 students, a contribution of £178,000 is requested.
97. *The Met. Office* have confirmed that with their radar at High Moorsley 8.6km from the proposed development, there is no objection to the proposals.
98. *Durham Constabulary* - comments are based on the principles of Crime Prevention through Environmental Design (CPTED) and are intended to help create strong cohesive communities in line with the National Planning Policy Framework by ensuring that safety and security are considered in the design of new housing.
99. The crime risk assessment for this proposed development based on recorded incidents in the surrounding area is low. Secured by Design is the Police preferred specification, we recommend the principles of this initiative are followed to reduce the opportunity for crime and the fear of crime as well as creating a safer, more secure and sustainable environment.

PUBLIC RESPONSES:

100. A total of 37 responses have been received in response to the consultation exercise involving 60 individual letters, press and site notices. Of these, 33 of them object to the proposals (albeit noting duplication), 1 is in support and there are 3 representations which neither support or object to? the application.
101. The *City of Durham Parish Council* notes the proposal is essentially an update of the 2018 approval. They assess the Policy context noting the application uses the Neighbourhood Plan's assessment of need: effectively that more colleges and PBSAs are needed, in appropriate locations if the University's expansion is to be accommodated without the further loss of family housing through conversion to HMOs. The Neighbourhood Plan endorses the 850 bed PBSA at Mount Oswald. That discussions with the relevant education provider are claimed to have taken place is not evidenced is noted, albeit it is acknowledged the University were supportive of the 2018 approval.
102. In terms of the required compliance with Policy 16 of the CDP, the Parish Council consider that subject to being fully scrutinised at the Reserved Matters stage, there are no grounds for objecting to this Outline application.
103. Approval of this Outline application must require compliance with Neighbourhood Plan Policy S1, reference to which is omitted. For Policy T1, the County Council is urged to ensure pressure on nearby residential streets is managed once the roads are adopted as highways, for example by extension of the Durham City Parking Control Zone.
104. In conclusion, the Parish Council welcomes the application subject to the above provisos.
105. The *City of Durham Trust* does not object in principle to the proposal, which is supported by the Neighbourhood Plan, but shares concerns of the Parish Council that the proposals do not comply fully with Policies S1, G1 and T1. The Outline nature of the application precludes proper assessment of the proposals. For Policy G1 the Parish urge conditions for landscaping be imposed, also protecting and enhancing the site's ecology and bio-diversity.
106. *Public Comment* - Objections from members of the public state that the Outline nature and therefore lack of detail and surety in the application is a concern.
107. Concerns are also raised for a potential for overlooking and loss of Privacy, whether there would be direct overlooking, and questioning whether the proposed screening would sufficiently mitigate this issue.
108. Assurances are sought that there would be no new road access would be taken from the residential development to the west, likewise construction traffic. Existing residents consider existing student parking arrangements are inadequate, leading to overspill into adjacent housing, with the proposals likely to exacerbate this. Further traffic generation will lead to noise and air pollution. The submitted Transport Assessments are requested revisited and an EIA Screening exercise is considered required.
109. The potential for late night disturbance from student's activities, in addition to issues experienced with existing comparable uses is a concern.
110. The retention and use of existing trees and hedges within the new development is recommended. The development will result in the loss of the site as valued open space. The proposal to address Bio-diversity net gain offsite is considered inappropriate.

111. Additional footfall on surrounding footpaths will degrade them.
112. The scale and heights of the buildings proposed as apparent to date is recommended controlled.
113. Durham Bicycle User Group (DBUG) request the detailed design of tracks and cycle storage meet the requirements of guidance in LTN 1/20. The lack of cycling infrastructure needs to be addressed off-site. The area identified for the proposed convenience store should be developed before the accommodation is allowed. A detailed assessment of the wider cycling infrastructure and highway network is offered, with suggested improvements. This group consider the application contrary to the requirements of policies 21 and 22 of the CDP and Policies T1 and T2 of the CDNP.
114. Many residents including the Chair of the Residents Association purport the application is not detailed, and need is not demonstrated, and the application fails the requirements of Policy 16 of the CDP, and that given the extended determination period supporting evidence is out of date. Implementation of other PBSA projects has reduced demand. That the proposal is not Durham University led is a concern to some.

APPLICANT'S STATEMENT:

115. The Mount Oswald site has provided Durham City with a great number of benefits over the last 10 years of careful build out. There are almost 300 family homes in a park setting. Equally important however has been the provision of purpose-built student accommodation which is directly linked to the wider University Campus. Currently 986 students are based in the excellent set of buildings which comprise South College and John Snow College. Without these buildings that number of students would have been imposed upon residential areas of the city, as well as the city centre, in the form of houses in multiple occupation or smaller ad hoc student developments. The solution of purpose built student accommodation in its own grounds close to the campus is good for the students and good for the residents of Durham City. In 2018 we gained permission for a further 850 student beds on this application site because it was recognised that the need would not be satisfied by the initial development alone. This future provision was recognised and counted upon in the Durham Local Plan. Unfortunately, progress has been slow in finding the right partners to deliver this development, due in large part to the Covid pandemic which caused great uncertainty in the student accommodation market for two years. We have now come to understand that, if anything, the pandemic has increased the need for student accommodation going forward, and Durham witnessed unfortunate scenes last year with students camping out to secure scarce accommodation. Our 2018 permission has lapsed and needs replacement if we are going to use this logical piece of land adjacent to the campus. We believe there are no better alternative sites in Durham for this development because of constraints such as Green Belt, flood risk and the protection of the World Heritage Site. We believe now is the right time to resurrect the scheme to bring forward more carefully designed and managed accommodation for the city's students. We fully appreciate that there is an important boundary to be established between the family housing and students. We will address these residents' concerns through design using a landscape buffer as well as the orientation and scale of buildings. The permission, if granted, will deliver more bio-diversity net gain in County Durham and public open space contributions on top of the major green infrastructure being created at Mount Oswald. We are determined to make Mount Oswald the best example of development in each of its components.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

116. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development and the detailed nature of the use, highway sustainability, safety and access, layout and design, residential amenity implications, scale and massing, ecology, and drainage, and other matters.

Principle of the Development

The Development Plan

117. 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 one part of the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The Durham City Neighbourhood Plan (DCNP) was adopted on 23rd June 2021 and now forms part of the statutory Development Plan for the Durham City Neighbourhood Area, which includes this application site. The relevant policies must be given full weight in determining the application.
118. Policy 6 (Development on Unallocated Sites) of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the development plan for the area, including specialist living accommodation. It supports development within the built-up area provided the proposal accords with the relevant development plan policies, in this case primarily Policy 16 of the CDP, and meets a number of criteria which include addressing compatibility with existing uses in the area, protection of open land of value, scale, design, layout, character, highway safety, access to sustainable modes of transport and provides resilience to impacts arising from climate change.
119. The site is well contained within the built environment, close to services and facilities and with good pedestrian, cycling and bus links into the city and university. Further detail at full application stage would be required in relation to scale and design, including the incorporation of green space within the development, highways and drainage design, to determine whether the development would be in keeping with the character of the area and to fully consider the impact of the development on adjacent uses. The proposals accord with the requirements of Policy 6 in so far as they are detailed in this 'outline' application.
120. In this context, the proposals are considered compliant with the requirements of Policy 6 of the County Durham Plan, noting that elements will need further assessment at the Reserved Matters stage.

Layout and Design

121. 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. In a similar vein, Policy S1 of the Neighbourhood Plan requires development to harmonise with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. 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.
122. The 'outline' nature of the application defers how the site will be developed in detail. This would be considered under a 'reserved matters' application which would be subject to the full planning process, including public consultation. The submission sets out an indication of how the site could be developed in the Design and Access Statement (D&AS). This document serves to show that the developers are aware of the context and limitations of the site. These indicative plans include both layout and sections showing how a scheme could be undertaken. The D&AS notes that the potential impacts on neighbouring properties should be considered in the detailed design, suggesting the introduction of a strong landscape barrier would reduce impact on residential amenity. The topography of the site also allows opportunities to mitigate this relationship – the site falls away from the housing development at St. George's Way, with this giving the opportunity for higher buildings at the lower level where adjacent the new student development to the east. Indicative cross-sections show an intention to have buildings adjacent the residential development to the west in scale with the heights of those dwellings. The indicative plans show the potential for appropriate separations between the two developments and the opportunity for separating planting. The layout of the blocks implies that they could present their gable ends to the existing dwellings. This approach could benefit residential amenity but would need to have high quality design and materials.
123. The extent of information presented to date indicates that the developer is aware of the site constraints for this topic in so far as it is assessed at this stage. A planning condition is suggested below to ensure the detailed proposals in the Reserved Matters application are supported by clear information on proposed levels and heights across the scheme and in relation to surrounding development to allow clear assessment by Officers and the public.
124. In so far as it is detailed at this stage and in identifying design opportunities and constraints in advance of a detailed scheme, the proposals are considered in accordance with the requirements of Policies 29 and 31 of the CDP, Policy S1 of the CDNP and parts 12 and 15 of the NPPF.

Residential Amenity

125. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of

the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

126. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site indicative layout shows that generally separation distances between dwellings in the development meet or are in excess of that advocated by the SPD, however this will be scrutinised in detail at the reserved matters stage to ensure compliance. Conditions are however proposed to set basic height and levels parameters to protect against concerns for this topic.
127. There are also residential amenity implications from the proposed student use and reasonable expectations of residential amenity in the adjacent housing development. This is another area where the actuality of the relationships will not be known until the detailed scheme is submitted. That the physical layout of the scheme and its landscaping can contribute to mitigating these relationships is discussed above.
128. Spatial Policy Officers advise that developers should ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation. A management plan will be required at Reserved Matters stage of the application process. The implementation of the management plan will be controlled through the use of planning conditions or an appropriate legal agreement. The management plan should set out what measures will be put in place to ensure the best integration of the development with the local community and neighbours. It will also address issues such as, but not limited to, the tenants moving in and out at the beginning and end of each term, management of the building, tenancy agreements, fire and health and safety and community liaison. The management plan should also address opportunities for waste recycling. To give surety for residents' concerns for these matters, this Policy requirement has been framed into a suggested condition.
129. Environmental Health (EH) Officers have assessed the proposals for noise, light and construction impacts potential.
130. Noting the application includes the construction of new student accommodation in an area where there are existing and proposed residential and commercial uses. The area is close to college buildings as well as close to South Road. In addition, there is a proposed convenience store nearby to the application site. In order to ensure that the accommodation is suitably designed to ensure that the recommended internal noise levels are met (in line with BS8233:2014) EH recommend that a condition is attached to any approval granted requiring a noise assessment to be undertaken within the area of the development in order to ascertain the required noise mitigation measures for the development.
131. For issues of potential light pollution, the development is within a larger development that includes housing, commercial premises and retail uses. EH Officers recommend that a condition is attached to any approval granted to request a lighting impact assessment to ensure that light from the varying uses on the land does not impact on the future residents of the development.
132. In terms of the potential for disruption during the construction process, the development is a large-scale and will involve a significant period of building works. EH Officers recommend that conditions are attached to any approval granted requiring controls on noise, vibration and dust during the construction phases. They have also within their remit

assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and comment that there are several aspects of the development that if not appropriately controlled may potentially result in a statutory nuisance being created. However, the suggested conditions are sufficient to mitigate the potential of a statutory nuisance and if affixed will remove EH objection to the development.

133. Residents have raised concerns at the potential impacts of some of these issues, however adherence to the conditions suggested by EH Officers should mitigate them to an acceptable degree.
134. Again, in so far as it is detailed at this stage and in identifying design opportunities and constraints in advance of a detailed scheme, the proposals are considered in accordance with the requirements of Policies 29 and 31 of the CDP, Policy S1 of the CDNP and parts 12 and 15 of the NPPF.

Purpose Built Student Accommodation

135. The Neighbourhood Plan notes that, 'Durham University's expansion from about 3,000 students in the early 1960s to over 16,000 within Our Neighbourhood out of a total of over 18,000 registered by the University in 2018/19 has added much economic benefit as well as prestige to the City. However, a commensurate increase in University accommodation has not been provided and many family homes have been converted into student accommodation, to the extent that in several areas permanent residents are a minority and in some a rarity'. 'The University has published a Strategy and Estates Masterplan (Durham University, 2016, 2017a) setting out its intention to grow in student numbers to a total of 21,500 in Durham City by the year 2026/27'.
136. Putting pressure on 'the capability of the City – socially, economically and environmentally – to accommodate significant additional pressures on the housing stock, local services, the retail offer, pedestrian congestion, and community balance' (CDNP), the preference must then be for planned, purpose-built developments of student accommodation, sited in appropriate locations.
137. Policy 16 of the County Plan sets out the requirements for proposals for new, Purpose-Built Student Accommodation on identified allocated and non-allocated sites, which will be required to demonstrate compliance with a range of criteria described below, noting that in this instance, the information available for such will be proportionate to the nature of an 'outline' application. The criteria and brief assessment of each is set out below:
 - a. that there is a need for additional student accommodation of this type in this location: for this criteria the applicant notes that with the existing consent, the 'need' has already been established: - Durham University write that Purpose Built Student Accommodation is popular with some students and its provision supports choice in the market.
 - b. consultation with the relevant education provider pursuant to the identified need: - Durham University has no objection to the application.
 - c. it would not result in a significant negative impact on retail, employment, leisure, tourism, housing or the council's regeneration objectives: - the site has been identified and previously approved for PBSA and would not undermine these interests.
 - d. the development is readily accessible to an existing university or college academic site, or hospital and research site: - the development is in close proximity to other colleges and the main University campus.

- e. the design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location and in relation to adjacent neighbouring uses: - neighbouring uses include other PBSA and colleges and residential accommodation. The implications for the latter relationships are set out at criteria g.
 - f. the internal design, layout and size of accommodation and facilities are of an appropriate standard: - This is a detailed matter that can be deferred judgement for consideration under 'reserved matters'.
 - g. the activities of the occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. Prior to occupation a management plan or draft outline management plan appropriate to the scale of the development shall be provided: - this Policy requirement can be reinforced by the imposition of an appropriate condition as below, to address the particular concerns of existing residents.
 - h. the quantity of cycle and car parking provided has regard to the council's Parking and Accessibility Supplementary Planning Document (SPD):- This is a detailed matter that can be deferred judgement for consideration under 'reserved matters'.
 - i. the applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users: - this will be a matter for the reserved matters application to ensure the developer has incorporated the principles of 'Designing out Crime' in line with the advice of the Police Architectural Liaison Officer.
138. Some elements of the above assessment must be considered in the context of the nature of the application, submitted in Outline form. There are elements of the required assessment that cannot be undertaken until the detail of a proposed matters scheme is known. This is a standard planning procedure and does not undermine the Local Authorities, consultees, nor neighbours and other interested parties abilities to object to a scheme with unacceptable elements. This Outline application must try and anticipate where particular conditions and agreements are required, but further conditions may also be applied at the Reserved Matters Stage. Some elements are also flagged through the use of 'informatives' to lead the developer, including one proposed for the last criteria of the above list – directing the developer to the Designing Out Crime initiative, which goes beyond planning control, but would lead to a better and more considered development.
139. Residents have objected to the principle of PBSA in this location. It is relevant that the potential for this use has been included in masterplanning documents. It is also material that consent has been granted for a directly comparable scheme on the land in the past as noted in the Planning History section of this report.
140. Consistent with the views of the Parish Council, Officers conclude for this headline Policy that subject to being fully scrutinised at the Reserved Matters stage, that for the requirements of Policy 16, there are no grounds for objecting to this Outline application.

Highways Safety and Access

141. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development

should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 22 compliments these Policies, targeting Durham City for Sustainable Transport Improvements. Policy T1 of the Neighbourhood Plan requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design. Adverse transport impacts should be avoided where practicable. To mitigate adverse impacts, proposals should improve access by walking, cycling and public transport in the area around the development, and thereby contribute to modal shift towards sustainable transport. CDPN Policy T3 requires cycle parking to County standards and the design and location of storage should accord with the style and context of the development.

142. The location can be considered highly sustainable in relation to the teaching and social functions of Durham University, with excellent sustainable walking and cycle routes to the university and the facilities in the City and local facilities. The development is intended to connect directly to these routes. With the wider Mount Oswald site bracketed by two main roads – the A167 and A177 there are regular bus access to Darlington to the south and the Tyneside conurbation to the north. Durham City centre includes a main line railway station for long distance sustainable travel.
143. Highways Development Management Officers have reconfirmed that the scheme is acceptable to date, in terms of their vehicular, cycle and pedestrian safety implications, and conditions are required providing for upgrades to the adjacent shared pedestrian/cycle route at Mill Lane to bring it to adoptable standards (notwithstanding the fact that it is already adopted). A double yellow scheme has been implemented on the access road between the site and recently erected new college to the east by the same developer, but a condition is proposed so that any requirement to extend these restrictions once the implications of the detailed scheme are understood is proposed. In addition to requirements for standard Construction Management Plan conditions, it is identified that a student management plan for arrivals and departures at the ends of terms is proposed. Highways Officers note that it is intended that the operator would apply its own parking controls within the development, but officers consider it judicious to condition to ensure that a plan for such is in operation at all times so that parking generated by the scheme should not overspill into the surrounding road network and residential developments.
144. Other consultees in Sustainable Travel and Public Transport request a standard condition to secure a Residential Travel Plan to be submitted and approved prior to occupation. This will reduce reliance on private cars and add to the sustainability of the scheme. The requested condition is considered reasonable and proportionate and would directly address the requirement of Policy T1 of the Neighbourhood Plan.
145. Further comments including the need to ensure walking and cycling routes directly and safely connect to existing networks, ensure routes adhere to LTN 1/20, standards, ensure cycle storage fulfils BREEAM, and to share draft design details for routes and parking. These details again can reasonably be secured by condition. These would directly address the requirements of Policy T3 of the Neighbourhood Plan and go some way to addressing the concerns set out in the letter from Durham Bicycle Users Group.
146. Both the nature of the location and the intentions of the development proposed, with specific elements to be secured by condition, lead to the conclusion that the proposals are consistent with the requirements of Policies 21, 22 and 29 of the County Plan, Policies T1 and T3 of the Neighbourhood Plan, and relevant elements of parts 11 and 12 of the NPPF.

147. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Policy H3 of the CDNP includes criteria which require development proposals within the neighbourhood outside the Conservation Areas to: avoid the loss of open space and public realm that contributes to the character and appearance of the surrounding area, to use high quality design which contributes to the quality and character of the area; and to have scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area. Both reflect the design quality and landscape advice set out in parts 12 and 15 of the Framework.
148. The submitted Planning Factors Plan shows that the site is sufficiently separated from the Green Belt, the Area of High Landscape Value, Ancient Woodland and Sites of Nature Conservation Importance for these designations to be not material to the consideration of the application. Relevant landscape features around the site include a single protected tree on it, landscaping associated with the two footpaths north and south of the site, identified as 'green corridors' in the submitted documentation, and the locally designated parkland to the south associated with the Listed Building.
149. The proposals are for a high-density development that will fill most of the site and whilst submitted in isolation, can be viewed in the context of the wider development site and the landscape features within it. Any reserved matters application will need to submit a detailed landscape scheme to show how the development will fit into the green infrastructure around the site in accordance with the requirements of both parts of the Development Plan.
150. The protected tree sits in the south-east corner of the site and is acknowledged as a positive feature, contributing to the site setting. The potential effect on this tree is not known at this stage, but the clear preference would be for its retention. Conflicts within the submitted documentation has caused some confusion for the developer's intent for this important site feature.
151. Conditions are proposed to ensure proper protection of existing landscape features and require the submission of landscaping proposals. Given the extent of the applicant's control over extensive adjacent land, the scheme could spread, if required, beyond the red-lined site boundary.
152. The proposals in outline form show sufficient indicative approach to allow deferral of this element to the Reserved Matters stage. It is therefore, to date proportionately compliant with the requirements of Policy 39 of the CDP and Policy H3 of the CDNP.

Heritage and Archaeology

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

reveal the significance and understanding of heritage assets whilst improving access where appropriate.

154. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
155. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
156. Whilst the site lies within the plan-defined setting of the World Heritage Site, the actuality of the application site is that topography, existing trees and existing built structures ensure there is no physical or visual relationship. No conflict with the requirements of Policy 45 has been identified. The same assessment leads to the same conclusion for the potential to affect the City Centre Conservation Area and the general duty of the Planning Authority as respects conservation areas in exercise of planning functions contained in s.72 of the aforementioned Act.
157. Closer to hand, the grade II Mount Oswald manor house, currently subject to restoration and extension for use as a History Centre, sits 100m south of the application site. This building is surrounded by trees – all subject to formal Tree Protection Orders, with the main estate road that serves the northern part of the approved Mount Oswald development and another public footpath, that traverses east/west between the A177 and the A167 also intervening features. The remaining parkland that provides the setting of the listed building and screening for it is included in a Local List of Historic Parks, Gardens and Designed Landscape. The relationship between these heritage assets and the new development has been previously assessed and accepted with the 2018 approval. Reassessment has led to a consistent conclusion. The Manor House is well screened to the north by mature trees, and that although filtered views of any new development may be visible through the woodland planting, there will not be a harmful impact upon the significance of the listed building, or the character of the parkland. The relationships are acceptable in respect of the General duty of the Local Authority as respects listed buildings in exercise of planning functions to 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.
158. The County Archaeologist has confirmed that there no archaeological implications from the development.
159. The application is considered compliant with the requirements of Policy 44 of the CDP in so far as it is presented to date.

Ecology

160. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 41 states 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. 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. Increasing biodiversity is included within the environmental element of the three objectives of achieving sustainable development set out in the Neighbourhood Plan, and then reflected within the criteria of Policy S1.e.

161. The preference is always for on-site provision of bio-diversity mitigation and gain for that displaced by a development. This application is set in the wider development site and parkland of the Mount Oswald development, and the recent Committee approval for 9 dwellings at Mount Oswald used up the remaining capacity for biodiversity mitigation and gain in this wider area. The developer has therefore identified and proposed an area of land at Inkerman Road near Tow Law, 4.5 miles due west of the development site.
162. The County Ecologist advises that this site is suitable to provide off-site biodiversity net gain to mitigate the Mount Oswald student accommodation development. They request that if this is taken forward by the applicant an updated BNG assessment together with a Biodiversity Management and Monitoring Plan to cover both sites, therefore including any BNG at Mount Oswald, should be provided. The BMMP should include monitoring and reporting of the monitoring results to DCC planning after every monitoring visit.
163. This County-wide approach is accepted practice in terms of addressing the requirements of CDP Policy 41, subject to the implementation, monitoring and long-term maintenance being appropriately secured by condition and legal agreement. The distance to the proposed land does however mean that the proposed mitigation will be significantly outside the Neighbourhood Plan area and therefore the proposals fail the requirements of CDNP Policy S1.e.
164. This will have to be weighted in the planning balance exercise. If found acceptable, a s.39 agreement and management plan to secure the long-term management, maintenance and monitoring of the biodiversity areas will need to be delivered through the required s.106 agreement to bring the required compliance with Policy 41 of the County Plan.

Flooding and Drainage

165. Policies 35 and 36 of the emerging 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. As part of the Sustainable Development requirements of Policy S1 of the City of Durham Neighbourhood Plan criteria k) requires all developments to demonstrate incorporation of sustainable urban drainage system (SUDS) to achieve improvements in water quality, aquatic ecosystems, and habitats in order to increase resilience to climate change. 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 tests are passed, informed by a site-specific flood risk assessment.

166. The submitted Design and Access Statement sets out a drainage approach that makes extensive use of ground level attenuation such as permeable paving, soft landscaping, filter trenches and swales.
167. For this surface water control, Council Drainage Officers have confirmed the information provided to date is acceptable, and the imposition of a condition for the detailed drainage scheme to be provided at the Reserved Matters stage will ensure Policy compliance. The suggested condition is set out below the recommendation.
168. For foul drainage, Northumbrian Water have confirmed no objection again subject to ensuring the scheme presented complies with the submitted documentation, and then being connected to identified elements of the existing drainage network. Again, the suggested condition is set out below.
169. For the foul and surface water drainage requirements of CDP Policies 35 and 36 and CDNP Policy S1.k) the imposition of the suggested conditions will ensure that the scheme meets compliance.

Infrastructure and Open Space

170. Policy 26 (Green Infrastructure) of the CDP expects new development to maintain and protect, and where appropriate, improve the county's green infrastructure (GI) network. Development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. New GI will be required to be appropriate to its context and of robust and practical design, with provision for its long term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the NPPF.
171. Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. The site sits within a wider masterplan area for Mount Oswald with strong GI links and spaces. As the design and layout of the proposal is purely indicative at this stage there is insufficient information to determine whether the criteria of this policy would be met.
172. As the site would result in the creation of 850 bedrooms, this would constitute major development and as such Policy 25 (Developer contributions) would be applicable. In relation to open space requirements the scheme would result in 850 occupants (assuming single bedrooms). Table 16 of the Open Space Needs Assessment provides appropriate costings. Where possible green space should be provided on site, however off-site contributions will be sought where this cannot be provided in full. Spatial Policy have advised that where no on-site provision can be accommodated, this would necessitate a full off-site contribution of £671,925 (850 x £790.50) applying further the 50% reduction, and as the proposal is only outline and the full details of the scale and layout of the buildings are not defined at this stage, a mechanism to calculate the green infrastructure requirements will need to be fixed at outline stage through the S106 agreement, with the amounts defined at reserved matters stage.
173. As any contribution must be directly related to the needs of the occupants of the development it has previously been agreed that elements of the calculation relating to

small children's' play areas and allotments are not justified in this instance. This reduces the figure per bedroom to £613.00 and a total of £512,050 including the 50% reduction that takes into account the presence of other facilities nearby. Wording the legal agreement to pro-rata the payment to reflect the specifics of the required Reserved Matters application would ensure this obligation would bring compliance with the requirements of Policies 25 and 26 of the CDP and G1 of the CDNP.

Other Considerations

174. Policy 25 requires that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
175. NHS Local Healthcare has used a standard methodology to ascertain if mitigation is required to sure the demands the development could place on local healthcare services are met. Identifying that the University Health Centre is struggling with space requirements to deliver services, they suggest funding secured through a s.106 agreement would assist them in providing the additional floorspace required to provide services to patients. With a patient increase of 850 students, a contribution of £178,000 is requested. This would bring compliance with Policy 25.
176. Policy 29 (Sustainable Design) of the CDP sets out the requirements to achieve well designed buildings and places. As this application is for outline permission only, there is insufficient information to determine if the proposal would meet the criteria of this policy. Any forthcoming Reserved Matters application will need to demonstrate that the proposal will meet all relevant criteria within this policy including but not restricted to energy efficiencies both for the fabric of buildings and their operational demands. It should also be noted that the Nationally Described Space Standards would not be applicable if this development was classed as a purpose-built student accommodation (C2 use). However, the development would still be expected to provide a high standard of amenity in accordance with criteria e of the policy.
177. Policy 29 also requires all new residential development to, 'achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. The policy would not apply in the event that the relevant Building Regulations were enhanced'. The relevant Building Regulations have been enhanced and as such the requirements of the policy would be exceeded.
178. Policy 32 seeks to ensure that the potential for contamination or unstable land is assessed, considered and mitigated on any development site.
179. For land contamination potential, Environmental Health Officers advise that the site sits within the larger site that have been investigated as part of the whole site. On the basis of the ground investigation report from 2017, no adverse comments are made, and it is confirmed that there is no requirement for a contaminated land condition. A requested 'informative' to cover the eventuality of unforeseen contamination being discovered, suggested by the Officer will be appended to any consent. Compliance with the requirements of Policy 32 in so far as it relates to contaminated land is concluded.
180. In terms of land stability, the Coal Authority have advised that conditions are capable of mitigating the presence of the mine entry on the land to ensure a process that will include the necessary Coal Authority Permit. Imposition of the suggested conditions will ensure compliance with the requirements of Policy 32 in so far as they relate to land stability.

181. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of coal, forming part of a larger deposit to surrounding area east of Durham City. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Durham City and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.
182. Policy 31 of the CDP states 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, aligning with similar requirements in part 15 of the Framework. Suggestions for assessments and conditions from the Air Quality Officer have been discussed with the applicants and a framework of conditions, to allow assessment of detailed proposals at the reserved matters stage has been agreed. The suggested conditions, set out in the list below, will ensure that the necessary assessments and mitigations are delivered to bring compliance with Policy 31 through the reserved matters process.
183. Policy 28 (Safeguarded Areas) includes for protection of the Met. Office radar at High Moorsley. The height of the buildings proposed necessitated consultation. The Met Office have confirmed that for the height and a separation of 8.6km there will be no impact on the data or the forecasts and warnings derived from it. They raise no objection. The Policy requirements are met providing the height of development proposed remains the same.
184. Policy 27 requires any new residential development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation. The Reserved Matters application must address this Policy requirement. A condition is attached below.
185. Policy 28 of the County Plan sets out areas subject to safeguarding for a range of topics included at criteria c., protection of the High Moorsley Meteorological Office radar. The Met. Office have confirmed that at 8.6km from the proposed development the likely height of the development brings no conflict with their apparatus; they raise no objection to the proposals. There is no conflict with Policy 28.c.
186. Durham Constabulary have recommended that the developer uses the principles of Designing out Crime in their detailed scheme. This advice will be included as an 'informative' in any approval, appropriate in raising design quality in line with the requirements of CDP Policies 29 and 31 and CDNP Policy S1, following parts 8 and 12 of the NPPF.

187. The Targeted Recruitment team have not responded to their consultation. The creation of jobs and ensuring benefits to the local economy is considered an important and material element in the assessment of the application, justifying imposition of a condition to require the developer to demonstrate they are providing this.
188. There is a drainage easement that runs across the north-east corner of the development site. This has constructional implications for the developer, and they have indicated they are aware of this.
189. The application has been subject to an EIA Screening exercise concluding that it was not EIA development.
190. The proposal has generated some public interest, with objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

Planning Obligations

191. Paragraph 57 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The S106 Agreement which would secure the following all of which are considered to meet the required tests should include:
 - A financial contribution of £178,000 is required to fund additional healthcare demands of the NHS Local Healthcare Trust likely to be generated by the scheme.
 - A financial contribution of £613.00 per bedroom to mitigate demands for open space proportionate to the likely demands of its occupants with a final figure to be established at Reserved Matters Stage in line with the calculator set out in Table 16 of the Open Space Needs Assessment as a requirement of Policy 26 of the CDP and the explanatory detail set out in the report above.
 - A detailed scheme to ensure the off-site provision of Biodiversity Net Gain, and a Section 39 agreement to secure its implementation, monitoring and maintenance over a 30-year period.

CONCLUSION

192. 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. The Development Plan in this instance is formed of both the City of Durham Neighbourhood and the Durham County Plan.
193. The applicant's approach to Ecology in this instance and the essential requirement for Bio-diversity Net Gain has different implications between the two plans, being consistent with the requirements of the County Plan, which allows for a County-wide approach to offsetting, within the defined 'trading rules', and the Neighbourhood Plan which seeks for the provision within the plan area. With the proposed off-setting and gain proposed at Inkermann, near Tow Law, the County Ecologist advises the proposals are acceptable, but outside the extent of the City of Durham Neighbourhood Plan, the proposal must be

concluded to fail the requirements of CDNP Policy S1.e. This conflict with the Development Plan will therefore have to be considered in the 'planning balance'.

194. The benefits of the scheme revolve around the sustainable siting and concentration of student accommodation close to the main University campus and its teaching and social functions, with the potential to meet the Neighbourhood Plans aspiration to free City Centre housing stock for more traditional occupation. The site location has sustainable walking and cycle routes to the university and the facilities in the City and local facilities. With the wider Mount Oswald site bracketed by two main roads, the A167 and A177, there are regular bus access to Darlington to the south and the Tyneside conurbation to the north. Durham City centre includes a main line railway station for long distance sustainable travel.
195. An appropriate level of need has been demonstrated by the application for the proposed accommodation that supports the aspiration of the Neighbourhood Plan to encourage student accommodation into purpose-built schemes close to the main campus to potentially free the housing stock in the City for more traditional uses.
196. Whilst the outline nature of the development is such that many areas of concern to residents are yet to be determined, the requirements of the two parts of the Development Plan and a strong suite of conditions with the required components of the legal agreement, give an appropriate level of control and surety over future proposals, whilst giving approval for the principle of development. An inappropriate scheme, or one that is not supported by convincing proposals for management of the occupation proposed will not be approved.
197. All other aspects of the proposed development have been identified and considered in detail, with none that cannot be controlled or appropriately mitigated through legal agreement or the imposition of appropriate conditions.
198. On balance, it is considered that the merits of the scheme outweigh the identified conflict with the Neighbourhood Plan and the planning balance lies with approval of the scheme.

RECOMMENDATION

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

- A financial contribution of £178,000 is required to fund additional healthcare demands of the NHS Local Healthcare Trust likely to be generated by the scheme.
- A financial contribution of £613.00 per bedroom to mitigate demands for open space, proportionate to the likely demands of its occupants, a final figure to be established at Reserved Matters Stage - in line with the calculator set out in Table 16 of the Open Space Needs Assessment.
- A section 39 agreement and management plan to secure the long-term management, monitoring and maintenance of identified and agreed off-site biodiversity gain areas.

And subject to the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved. *Reason:* Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall comprise a maximum of 850 bedrooms.

Reason: To define the consent and precise number of bedspaces approved and ensure an acceptable form of development in scale with its surroundings in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 12 and 15 of the National Planning Policy Framework.

4. No part of the development hereby approved shall exceed four storey in height. Building heights on the west boundary of the development where bordering dwellings in St Georges Way should be a maximum of a height equivalent to residential 2 storeys as measured at the west part of the site as shown on indicative plans: HJB/PA677/625 PA10 and cross section drawings HJB/PA677/626 PA08 and HJB/PA677/624 PA09. Additional stories will be appropriate where lower ground levels or increased distances allow.

Reason: To ensure the development is in scale and character with its surroundings and respects reasonable expectations of residential amenity and right to light in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 12 and 25 of the National Planning Policy Framework.

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

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 22, 25, 26, 27, 28, 29, 31, 32, 35, 36, 40, 41, 43, 44, 45 and the adopted Residential Amenity Standards SPD (updated 2023) of the County Durham Plan, Policies S1, S2, H1, H3, G1, G3, T1, C1 of the City of Durham Neighbourhood Plan, and parts 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.

6. Notwithstanding the details submitted with the application, prior to their installation, full details of all enclosures including bin stores to be provided within the site shall be first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the area having regards to Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and part 12 of the National Planning Policy Framework.

7. Notwithstanding any details of materials submitted with the application no development involving external materials shall commence until details of the external walling, roofing materials, windows details and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter 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 Policies 6 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and part 12 of the National Planning Policy Framework.

8. No part of the development shall be occupied until vehicular and pedestrian access to the development has been provided, in accordance with details to have been submitted to, and in approved in writing by the local planning authority.

Reason: To ensure that adequate pedestrian and vehicle access to and from the site can be achieved in accordance with Policies 21, 29 and 31 of the County Durham Plan, Policy S1, T1, T2, T3 of the City of Durham Neighbourhood Plan and parts 9 and 12 of the National Planning Policy Framework.

9. No development shall commence until the remedial works and any mitigation measures to address land instability arising from the coal mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure ground stability issues are addressed in accordance with the requirements of Policy 32 of the Durham County Plan Part 15 of the National Planning Policy Framework.

10. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and the completion of the remedial works and any mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure ground stability issues are addressed in accordance with the requirements of Policy 32 of the Durham County Plan and Part 15 of the National Planning Policy Framework.

11. Prior to commencement of the approved development, the Drainage Strategy Document must be developed further to provide the following information to assess the suitability of the proposed sustainable drainage system, in line with the National Planning Policy Framework (NPPF). This must include, but is not restricted to:

1. Detailed Plans:

- a. The proposed surface water 'management train' which should be in line with the submitted Plan – Indicative Drainage Plan 2212/126 Revision C.
- b. Location and type of controls and treatment
- c. Construction details of all SuDS features.
- d. Conveyance and exceedance flow routes.
- e. The destination of runoff and any runoff rate restrictions.

2. A Detailed SuDS Statement covering:

- a. SuDS to be incorporated.
 - b. How the drainage design satisfies SuDS techniques in terms of water quality and attenuation and discharge quantity for the lifetime of the development.
 - c. Proposals, where relevant, for integrating the drainage system into the landscape or required publicly accessible open space and providing habitat and social enhancement.
 - d. Hydraulic Calculations showing the peak runoff flow rate for the critical rainfall event (1 in 100 year plus 40% c/c). These will also be required in digital format for audit prior to commencement.
 - e. Description of overland flow routes and safeguarding of properties from flooding.
 - f. Proposed method of flow control.
3. A Method Statement detailing how surface water arising during construction will be handled.
 4. Confirmation of land ownership of all land required for drainage and relevant permissions.
 5. A SuDS Management Plan, which provides:
 - a. Details of which body will be responsible for vesting and maintenance for individual aspects of the drainage proposals
 - b. A management statement to outline the management goals for the site and required maintenance
 - c. Maintenance schedule
 - d. A site plan including access points, easements, and outfalls.

Any SuDS Basins must be limited to a maximum of 1.0metre depth unless a site-specific risk assessment and other design measures can satisfactorily demonstrate the risk created by flood water storage to be low. Side slopes no steeper than 1 in 5; the Suds Basin Risk Assessment should be included within the Surface Water Drainage Strategy.

Reason: To ensure requirements for sustainably managed surface water management are incorporated into the scheme in accordance with Policy 35 of the County Durham Plan, Policy S1.k. of the City of Durham neighbourhood Plan and parts 14 and 15 of the National Planning Policy Framework are addressed, to prevent the increased risk of flooding the development could generate.

12. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Drainage Strategy" and "Foul Water Drainage Strategy". The drainage scheme shall ensure that foul flows discharge to the foul sewer downstream of 7901 and to the combined sewer at manhole 0804. Whilst ensuring that the surface water discharges to the surface water sewer at manhole 7906 through the existing 5l/sec hydrobrake, or to the private sewer to the south which discharges directly to the watercourse. The final surface water discharge rate must be agreed in writing by the Local Planning Authority in advance of the occupation of the scheme, and thereafter be developed and operated in accordance with said written agreement.

Reason: To ensure requirements for sustainably managed foul water management are incorporated into the scheme in accordance with Policy 35 of the County Durham Plan, Policy S1.k. of the City of Durham neighbourhood Plan and parts 14 and 15 of the

National Planning Policy Framework are addressed, to prevent the increased risk of flooding the development could generate.

13. Prior to the occupation of the first dwelling, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan, Policy T1 of the City of Durham Neighbourhood Plan and part 9 of the National Planning Policy Framework.

14. A management plan that sets out measures to be put in place to ensure the best integration of the development with the local community and neighbours to include, but not restricted to occupants moving in and out at the beginning and end of each term, management of the building, details of the managing body, tenancy agreements, fire and health and safety and community liaison and opportunities for sustainable waste recycling must be submitted to and approved in writing by the Local Planning Authority, with the accommodation managed in accordance with said written agreement when in use.

Reason: To ensure there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation in accordance with the requirements of Policy 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 8, 12 and 15 of the National Planning Policy Framework.

15. Before the development hereby approved is occupied a Management Plan for the control of vehicular arrivals and departures by occupants at the beginning and ends of terms, and for the control of parking within the development must be provided to and approved in writing by the Local Planning Authority. Said Management Plan must be adhered to in full for so long as the development is in use.

Reason: To minimise the effects on highway safety and surrounding residential amenity from potential spikes in traffic movements in accordance with Policy 21 of the County Durham Plan and part 9 of the National Planning Policy Framework.

16. The Reserved Matters scheme must include details of parking, servicing and provision of cycle parking and signage. Walking and cycling routes must directly and safely connect to existing networks and adhere to LTN 1/20, standards. Cycle storage must adhere to BREEAM standards.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan, Policies T1 and T3 of the City of Durham Neighbourhood Plan and part 9 of the National Planning Policy Framework.

17. The development hereby approved must be served on occupation by a high-speed broadband connection, or if demonstrated to be not appropriate, practical or economically viable the developer must provide appropriate infrastructure to enable future installation. A validation report to demonstrate the required provision must be

submitted to the Local Planning Authority before any occupation of the approved scheme.

Reason: to address essential demands to grow a sustainable economic future, providing opportunities to reduce our carbon footprint by reducing the need to travel, vital for education and individual lifestyles, community cohesion and resilience, in accordance with Policy 27 of the Durham County Plan and part 10 of the National Planning Policy Framework.

18. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policy 39, 40 Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

19. No part of the development shall be occupied until a landscaping scheme including a schedule for implementation has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled, or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development and meet the requirements of Policies 39 and 40 of the County Durham Plan, Policies S1 and G1 of the Durham City Neighbourhood Plan, and parts 12 and 15 of the National Planning Policy Framework.

20. All planting, seeding or turfing relating to any approved landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure an acceptable form of development and meet the requirements of Policies 39 and 40 of the County Durham Plan, Policies S1 and G1 of the Durham City Neighbourhood Plan, and parts 12 and 15 of the National Planning Policy Framework.

21. No development other than site clearance and groundworks shall commence until details of existing and proposed site levels, and the finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Detail must be provided of the relationship to existing floor and eaves levels on the residential development at St. Georges Way. The development must thereafter be carried out in full accordance with the approved information.

Reason: In the interests of the visual amenity in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and Parts 12 and 15 of the National Planning Policy Framework.

22. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic and commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To ensure there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation in accordance with the requirements of Policy 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 8, 12 and 15 of the National Planning Policy Framework.

23. Prior to commencement of the development, a lighting impact assessment for the lighting scheme proposed, shall take place and be agreed in writing with the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided:

- A description of the proposed lighting units including height, type, angling and power output for all lighting
- Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Reason: To ensure there is no unacceptable effect on residential amenity in the surrounding area through increased light pollution or impact on the street-scene either from the proposed development itself or when combined with existing accommodation in accordance with the requirements of Policy 31 of the County Durham Plan, Policy

24. In view of the proximity of the proposed development to nearby residential and commercial premises the applicant shall prepare and submit a Construction Management Plan (CMP) to the local planning authority for approval. The CMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include but not be restricted to:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration to the occupants of nearby premises.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am - 6pm Monday - Friday, 8am - 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Areas where there is vehicular movement should have a hard stoned surface which should be kept in good repair.
- Wheel washing facilities provided and used when required. The developer will need to consider how such facilities are to be drained and fouled water discharged.
- Road sweeper available to attend to sweep site roads and highway when necessary or otherwise directed by the Local Planning or Highway authority.
- Suitable boundary drainage to prevent the run-off of mud and other products onto the highway
- Details of the location of site compounds, site accesses and contractor parking arrangements – including arrangements to prevent parking in surrounding residential estates and on the surrounding road network.

No works, other than site investigation works, shall be permitted to start on site until the CMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan at all times.

Reason: To ensure there is no unacceptable effect on residential amenity and highway safety in the surrounding area through the construction period in accordance with the requirements of Policy 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 8, 12 and 15 of the National Planning Policy Framework.

25. No development in any phase shall commence until an Employment & Skills Plan for that phase of development is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment.

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.

PUBLIC SECTOR EQUALITY DUTY

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 consider that the scheme in reflecting in particular the reasonable expectations of residential amenity for existing and proposed residents to a Policy compliant standard incorporates elements that ensure the development has the potential to be attractive to all and demonstrates that the requirements of this Act have been considered.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan
- Durham City Neighbourhood Plan 2020
- Residential Amenity Standards SPD (updated 2023)



<p>Planning Services</p>	<p>DM/20/03238/OUT Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Land to the North of Mount Oswald South Road Durham DH1 3TQ Date May 2023 Scale NTS</p>	