



County Planning Committee

Date Tuesday 4 July 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

**Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's
agreement.**

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 6 June 2017 (Pages 5 - 18)
5. Applications to be determined
 - a) DM/16/04067/OUT - Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ (Pages 19 - 52)
Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.
 - b) DM/16/01129/VOC - Flatts Farm, Toronto, Bishop Auckland (Pages 53 - 94)
Variation of conditions no.2 (approved plans) of planning approval DM/15/00110/FPA (re-development to allow the staging of historical show) to allow changes to site layout, and design of buildings, and condition 13 (restriction of access) and removal of condition no. 9 (car park opening times)

DM/16/01134/FPA - Land to the east of Red Barns and North of A689, Addison Road, Toronto, Bishop Auckland
Change of use of land to temporary event parking (1,400 spaces) including coach drop off area and associated infrastructure.
Formation of pedestrian access to main event site

DM/17/01800/FPA - North of Barrington Street and A689, Toronto Bishop Auckland
Change of use of agricultural land to ecological mitigation provision at Walsh Site at site of former brickworks

DM/17/01802/FPA - Land at Newton Cap to the south of
Waterside Cottages
Change of use of agricultural land to ecological mitigation
provision

- c) DM/15/03019/OUT - Land On The North East Side Of Cross
Lane, Sacriston (Pages 95 - 130)

Hybrid application, outline development 3.8ha of land
(approximately 116 dwellings) (all matters reserved) and full
planning application for the erection of 84 dwellings with
associated access, infrastructure, landscaping and car parking
and access (amended description).

- d) DM/17/00713/FPA - Maiden Castle Sports Centre, Graham Sports
Centre, Maiden Castle, Durham, DH1 3SE (Pages 131 - 158)

Reconfiguration and resurfacing of three sports pitches including
the erection of associated floodlight columns and enclosures, hard
and soft landscaping, and revised access arrangement and car
park layout.

6. Such other business as, in the opinion of the Chairman of the meeting,
is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the
discussion of items containing exempt information

Part B

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

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

Clare Pattinson

Interim Head of Legal and Democratic Services

County Hall
Durham
26 June 2017

To: **The Members of the County Planning Committee**
Councillor J Robinson (Chairman)
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, D Hicks, I Jewell, C Kay, A Laing,
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,
P Taylor, M Wilkes and S Wilson

Contact: Ian Croft

Email: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 6 June 2017 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, J Clare, D Hicks, I Jewell, H Nicholson, G Richardson, A Shield, A Simpson, F Tinsley (Vice-Chairman) and M Wilkes

Prior to the commencement of business the Chairman offered condolences and support to those who had been affected by the recent act of terrorism in London.

The Chairman conveyed his thanks on behalf of the Committee to the former Chair and Vice-Chair of the Committee who were no longer members of Durham County Council.

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay, A Laing, P Taylor and S Wilson.

The Chairman reported that Councillor L Maddison had also submitted her apologies as she had been unable to attend the mandatory training session for Planning Committee Members. Committee Members A Simpson and M Wilkes were in attendance but took no part in voting on the planning applications under consideration as they had not yet received the mandatory training.

2 Substitute Members

There were no substitute Members.

3 Minutes

The Minutes of the meeting held on 4 April 2017 were confirmed as a correct and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

Councillor Clare entered the meeting during the consideration of item numbered 5(a) on the Agenda and took no part in the discussion or voting on the application.

5 Applications to be determined

a DM/16/04062/OUT - Land To The North Of Etherley Moor, Bishop Auckland, DL14 0JU

The Committee considered a report of the Senior Planning Officer regarding an application for residential development for up to 150 units with all matters reserved except access on land to the north of Etherley Moor, Bishop Auckland (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, site photographs, proposed layout and street scenes. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Members were informed that since the report had been circulated two additional letters had been received from local residents. The matters raised in the letters had mostly been addressed in the report but the residents had expressed concern about the potential impact on broadband speed and capacity which was not a planning consideration. Further representations had been received from the Campaign to Protect Rural England (CPRE) which reiterated their concerns outlined in the report and stated that the application should be considered against recent case law. Escomb primary school had written a letter in support of the proposals.

The applicant had offered voluntary contributions of £150,000 towards nursery provision in the area and £100,000 for the continued operation and maintenance of Escomb village hall. Members were informed that this could not be afforded any weight in the consideration of the application.

Councillor R Yorke, local Member addressed the Committee. The Councillor explained that he and local member Councillor C Wilson were in support of the application. The Members welcomed the reduction in the number of proposed dwellings to 150, the proposals for a landscape buffer and the pedestrian links to Escomb primary school. They also welcomed the Section 106 commitments and the additional 1.5 acres to be given to the school. There had been a number of objections to the proposed development but local Members had received numerous e-mails and telephone calls in support of the application, including from the school. The safety of children had been of concern but the developer had worked closely with the Planning Officers to resolve this.

Michael Hepburn addressed the Committee on behalf of the applicant. He explained that the applicant had worked with Planning Officers for a number of years to address the highway and landscape impacts of the development, and noted that there were no objections from statutory consultees. All the major political parties in Central Government recognised that the country was in housing crisis and that supply should be boosted; this development would contribute to this.

With regard to highway concerns the developer would fund upgrades to junctions Maude Terrace/Greenfields Road and Woodhouse Lane/Cockton Hill. Further

mitigation at Dilkes Street roundabout was also proposed. This scheme included physical improvements to Cockton Hill Road which had not been offered as part of the development proposal that had been refused to the south of the site, and these would have a positive impact on the road network.

The proposals would also enhance the facilities at Escomb Primary School with improved pedestrian links. Other benefits included a gift of 1.5 acres of land abutting the playing fields, and a contribution to the nursery.

During construction 30 direct jobs would be created and the developer had signed up to a local labour scheme. Spend would increase in the local area and an additional £197,000 a year would be received in Council Tax and New Homes Bonus.

Only 19 objections had been received which the developer had reviewed and had subsequently altered the proposals to address the issues of concern.

In response to questions from Councillors Richardson, Robinson and Jewell in connection with the 1.5 acres of land and the retention of the landscape buffer zone, the Members were informed that landscaping was a reserved matter which required approval from the Local Planning Authority, and should be in accordance with the indicative Landscape Parameter Plan.

Councillor Richardson expressed concern about the loss of agricultural land and the impact on the road network, referring to the application to the south of the site that had been refused by the Committee in February 2017 because of highway concerns at Cockton Hill Road.

J McGargill, Highway Development Manager responded that in respect of the refused application the developer had not offered any mitigation at Cockton Hill Road and traffic would disperse to Tindale Crescent, causing increased delays. However the improvement scheme proposed for the site north of Etherley Moor included lane widening and a 'mover system' at Cockton Hill Road which should improve traffic flow, and delays should be no worse than experienced at present. There would be some redistribution of traffic heading to Tindale Crescent and the developer had offered improvements here and at the Dilkes Street roundabout to alleviate this.

Councillor Richardson was of the view that the increase in traffic would add to the bottleneck at Tindale Crescent; traffic was already nose to tail in the location, particularly at weekends.

Councillor Nicholson commented that applications of this nature on the edge of settlements were often contentious but having considered the report and the proposed road network improvements was in support of the application and **moved** approval.

Councillor Tinsley stated that he was satisfied with the explanation of the Highway Development Manager regarding the proposed road network improvements which would have less impact on Tindale Crescent than the application which had been

refused. In terms of connectivity he felt that the potential to create pedestrian links to the school was of real benefit. This was a relatively flat site and there would be no significant landscape impacts. The buffer zone would ensure that the distinct separation between the two settlements of Escomb and Bishop Auckland would be retained.

Following questions from the Member, the Committee was informed that the Public Rights of Way which extended up the eastern boundary and to the north of the site would be re-surfaced and links from the development to the Rights of Way would be agreed at the reserved matters stage. There were bus stops located next to the development with proposals to create 150m of footway.

Councillor Tinsley **seconded** the motion to approve the application.

Councillor Bell, having listened to the advice from the Highway Development Manager and the views of local members, expressed his support to the application.

Councillor Shield expressed concern that because no weight could be given to the housing trajectory in the withdrawn County Durham Plan applications had to be considered in the context of a presumption in favour of sustainable development which in his view was an 'open door option'. Until the County Durham Plan was in place he suggested that weight should be given to Saved Local Plan Policies.

In response A Inch, Strategic Team Leader stated that paragraph 14 of the NPPF established a presumption in favour of sustainable development and was applied in this case as the Council could not demonstrate a five year housing supply, as explained in the report. C Cuskin, Planning and Development Solicitor added that as the Council was unable to demonstrate a five year supply of housing land, the weight that could be afforded to Local Plan Policies relating to the supply of housing was reduced.

Councillor Wilkes asked if the footpath crossing the 1.5 acres of land adjacent to the school would be ensured by condition. The Member was informed that the land would be gifted to the Council/Education Authority, and therefore a condition had not been included. However if a planning application was submitted for change of use in future, it was hoped that connectivity to the school could be ensured.

Councillor Wilkes referred to the existence of a footpath along Hallimond Road and asked if it would be upgraded if the application was granted. The Senior Planning Officer confirmed that there was a narrow footpath along Hallimond Road, however it was considered more appropriate to secure pedestrian links through the development.

Upon a vote being taken it was:

Resolved:

That the application be approved subject to the conditions contained in the report and to the completion of a Section 106 Legal Agreement to secure the following planning obligations:-

- 10% Affordable Housing Units
- £370,520 for offsite highway mitigation works
- £417,603 education contribution
- £198,900 for offsite sporting and recreation provision

Voluntary contributions

- £150,000 nursery provision in the area
- £100,000 for the continued operation and maintenance of Escomb Village Hall
- Provision of a targeted recruitment and training/local labour scheme.

b DM/16/03395/OUT - Land East Of Wigdan Walls Road, Woodhouses

The Committee considered a report of the Senior Planning Officer regarding an outline application for up to 320 residential units with all matters reserved except access on land east of Wigdan Walls Road, Woodhouses (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, site photographs, proposed layout and street scenes. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Members were informed that since the report had been circulated an additional letter of objection had been received from a local resident and the matters raised had been addressed in the report. A further letter had also been received from CPRE which reiterated their concerns outlined in the report and stated that the application should be considered against recent case law.

The Senior Planning Officer referred Members to Paragraph 83 in the report and the reference to Policy ENV3 of the Wear Valley District Local Plan, and informed the Committee that although it was correct to consider the policy, the site did not lie within the Area of Landscape Value. Therefore the proposals did not conflict with Policy ENV3 and should be omitted from the Officer's conclusion at paragraph 142 in the report.

J McGargill, Highway Development Manager addressed the highway concerns as outlined in the report. As with all developments of this type, the developer was required to submit a Transport Assessment which took into account existing and proposed developments in the area. Mitigation was proposed to the Tindale Crescent, Dilkes Street/A688 roundabout and the Watling Road/A688 roundabout where significant delays would be expected. 84% of traffic would travel to the Tindale Crescent junction and the applicant would be required to offer mitigation if the application on land north of Etherley Moor did not come forward. Highways Officers were satisfied that there would be no impact on Cockton Hill Road as the traffic would be diluted as it travelled through the network.

Councillor Yorke, local Member addressed the Committee. The Councillor stated that he also spoke on behalf of local Member Councillor C Wilson against the application. The proposals would have an adverse impact on the operations at Wigden Hall Farm. Local Members already received complaints about odour and noise, and whilst this had been addressed in the report they believed that an increase in the number of residents would generate more. In addition it may impact on the farmer's business in future. The Wigdan Walls Road was inadequate for the increase in traffic. Objectors had also alluded to congestion at the Four Lane Ends area, yet this had not been addressed in the report. The proposals would also cause further traffic problems at Escomb primary school.

Local members were aware of other potential applications in the area, and with the approval of the development on the site north of Etherley Moor, questioned the adequacy of the proposed highway improvements and the Traffic Assessment. There was significant strain on the road network travelling east to west and he believed that new housing development should be located to the east of Bishop Auckland where the town's employment was located. There was the potential for over-development in the west.

He appreciated that the Committee could only give consideration to the application before them but local Members had to take into account how an individual development would impact on the area as a whole in future.

The site to the north of Etherley Moor was more easily integrated into the environment; Wigdan Walls Road was more remote, with no bus links and in terms of ecological impacts the proposals would have an adverse effect on badgers and ground nesting birds.

In response to the local Members' concerns about the Traffic Assessment, the Highway Development Manager advised that industry standard methodology had been used and the Highways Authority was satisfied with the predicted trip rates. Census data provided information about travel movements in peak times; 84% of traffic would head east, with the remainder travelling west, and very few journeys would be made on Wigdan Walls Road itself. With 33 trips west in peak times the Highways Authority was satisfied that the consultant who had undertaken the assessment had identified the appropriate mitigation in the correct locations.

Mr Kemp of Wigdan Walls Farm addressed the Committee against the application. As a breeder of pedigree cattle Mr Kemp explained that farming procedures produced odours which would be carried over the site of the proposed development. During winter noise and odours were produced as the cattle were housed indoors. His cattle were an award-winning Hereford breed and people visited the farm because of the importance of the herd. Mr Kemp was concerned about the impact on his business as he wished to erect another livestock building next to the underground slurry store. The cattle were doing very well and he could not change his farming practices. The land was not suitable for arable farming and his only alternative would be to breed pigs.

In addition Mr Kemp advised that the main farm buildings were accessed from a blind bend and an increase in traffic would exacerbate the dangers already experienced.

Mr Craggs, local resident addressed the Committee against the application. He resided on the boundary of the site and was concerned about the potential development of an additional 500 houses to the area and the impact this would have on the road network which was becoming a 'racetrack'. In the last 18 months he had observed traffic speeding in excess of 50mph along Wigdan Walls Road. Queuing traffic was also a problem in the locality. In conclusion Mr Craggs stated that the development site had produced a crop every year and there were alternative brownfield sites which could be developed.

Mr J Wyatt, the applicant's agent stated that he fully supported the report which presented a balanced view of the proposals. Whilst Officers were in agreement that the proposals constituted sustainable development, this site formed part of a wider masterplan for the area.

The applicant had engaged with the Local Planning Authority both in the pre-application process and since submission, and was satisfied that the proposals represented sustainable development in the context of paragraph 14 of the NPPF. Subject to the mitigation measures agreed with the Highways Authority, there would be no adverse impact on the highway network.

It had been determined that any landscape or visual impact would be minimal and the applicant would continue to work with Planning Officers during the reserved matters stage to ensure that a rural feel to the development was created.

The applicant had sought to address residents' concerns and there had been no odour or noise issues identified by Environmental Health.

In terms of economic and other benefits 720 direct and indirect jobs would be created, a contribution of £892,331 would be made towards primary education and £352,500 to secondary education across the whole catchment area. The proposed development would generate around £36.4m in direct capital receipt from Council Tax and New Homes Bonus.

In conclusion Mr Wyatt stated that the development would deliver 34 affordable homes, offered off-site highway mitigation, and a biodiversity mitigation scheme. The scheme constituted sustainable development, and had demonstrated that there were no adverse impacts that would outweigh the benefits of the scheme.

Councillor Tinsley stated that over 2,000 properties were proposed for Bishop Auckland in the masterplan which would represent a 10% increase in the population. He felt that the approach to considering applications on an individual basis was detrimental to creating a well-thought out integrated plan for the area. Members had been told that the masterplan should not carry significant weight and considered it unreasonable that the applicant could rely on that.

The Member outlined his concerns to the proposals. In terms of connectivity there was only one access point for vehicles and no bus route. There was limited connectivity to the east which mostly edged gardens, and to the north was a site which may or may not come forward. In comparison to the Escomb site this scheme was less connected and less sustainable.

In terms of landscape impact Councillor Tinsley referred to the report and the comments of the Landscape Officers that the effect on the character of the local landscape would be of medium-high magnitude towards the end of the development phase falling to a medium magnitude over time.

Paragraph 14 of the NPPF stated that where development plans were absent, silent or relevant policies were out-of-date, permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Councillor Tinsley felt that the landscape and connectivity issues he had referred to demonstrably outweighed the benefits. The scheme on land to the north of Etherley Moor differed in its physical integration in the environment. He considered that the outcome of the County Durham Plan and new methodology from the Government with regard to housing supply should be awaited which may determine that the scale of development proposed in Bishop Auckland was not necessary.

Councillor Shield referred to Part 4 of the NPPF, promoting sustainable transport. The report stated that the transport system needed to be balanced and sustainable transport solutions maximised; this site did not have a bus route. In terms of NPPF Part 11, the local members and Mr Kemp had made the point that development of the existing business may be put at risk from unacceptable levels of air and noise pollution. Councillor Shield **moved** refusal of the application.

Councillor Bell noted that Mr Craggs had advised that there had been a crop in this field for many years which was of concern as he believed that there would be a demand for arable land in future. He also considered that there was an over-saturation of development in the area and **seconded** the motion to refuse the application.

Councillor Clare having heard the arguments against acceptance of the application felt that it would be very difficult to argue against building on a site that was identified in the SHLAA which informed the County Durham Plan. In terms of noise and odour it was annoying that people moved next to farms and then immediately complained and he could see that happening at this site, however the report clearly stated that the proposed mitigation was acceptable, similarly for the ecological matters raised.

With regard to the concerns about the impact on the highway network, the mitigation proposed was based on clear statistical information to the satisfaction of Highways Officers, and it would be difficult to argue against. However Councillor Clare sought assurance that the access to the site was safe, given the bend in the road, and asked if there were plans to widen the road to accommodate vehicles turning right into the development. He was also concerned about the potential adverse impact on the farm business, given Mr Kemp's comments that the

proposed development would preclude him from building the barn he needed to expand his business.

In response to Councillor Clare, D Stewart, Principal DM Engineer explained that vehicle speeds along this road were such that the visibility splay would meet minimum guidance and traffic analysis showed that a protected right turn was not warranted at this location.

In response to comments made about proximity to bus services Members were referred to the report which gave details of the proximity of bus stops, and the existing bus route along Rockingham Drive. A new pedestrian footway which would link to that route was proposed.

Councillor Richardson was concerned at the potential loss of agricultural land and noted the concerns of the farmer about the risk to his business; he understood that anyone within 400m of a proposed new building would be notified. The Member was also concerned about the impact on the highway network and could not support the application.

Councillor Nicholson, having listened to the representations made, was minded to agree with the objectors to the application. He agreed that there was a need for new houses in the area but could not support the proposals.

In response to a question from Councillor Tinsley about odour assessment the Senior Planning Officer confirmed that the assessment was based on existing activities at the farm and did not take into account the potential for increased activity, however levels were well below the threshold of what would be considered to have a severe impact. Councillor Tinsley was concerned that the scheme could prevent further development of the farm if the activities had a negative impact on local residents in terms of noise and odour.

Councillor Jewell expressed concern about the scale of the development and the piecemeal way schemes were determined. He also felt that there would be a reliance on travel by car, yet the Committee had heard about the condition of the road and speeding traffic, and that the site access was close to a bend. Problems would be worse at peak times as residents left the estate.

Following a question from Councillor Wilkes about the proposed pedestrian access into Calder Close, the Senior Planning Officer explained that the land was owned by three parties with a small section in the ownership of Durham County Council which could facilitate the link.

Prior to a vote being taken, the Planning and Development Solicitor clarified the reasons for refusal with Councillor Shield and Councillor Bell.

Upon a vote being taken it was **Resolved:**

That the application be refused for the following reason:-

The adverse impacts of the development in terms of its landscape harm, poor connectivity, loss of agricultural land and the potential impact on future operations of neighbouring farming businesses would, in the context of Paragraph 14 of the National Planning Policy Framework, significantly and demonstrably outweigh the benefits of the development, and would conflict with policies GD1, ENV1, and H3 and of the Wear Valley District Local Plan and parts 4, 7, 11 of the National Planning Policy Framework.

c CMA/6/54 - Land To West Of Lane Head Farm Lanehead Lane Hutton Magna Richmond DL11 7HF

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 2 buildings, 1 storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory/office to create fertiliser for agricultural use with associated access and hardstanding on land to the west of Lane Head Farm, Lanehead Lane, Hutton Magna (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, site photographs and proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Claire Bradley of Kirkwells Planning addressed the Committee on behalf of Hutton Magna, Ovington, Dalton and Barningham Parish Councils. Mrs Bradley wholeheartedly agreed with the Planning Officer's recommendation; the planning application had been submitted in 2012 and it had been five long years for residents and Parish Councils. Policy W2 of County Durham Waste Local Plan required the demonstration of need for a development, and excessive provision should not be permitted. 70,000 tonnes of waste from Durham, Cumbria and Teeside would be stored at the site for end use as a fertiliser. There was no established need and importing waste that was not to be used until after treatment conflicted with Policy W2 of the Plan.

There would be 60 HGV movements every day creating adverse noise and further noise would be produced from on-site generators. This cumulative noise would be emitted 24 hours a day all year, resulting in significant impact on residential amenity.

In terms of odour the Environment Agency had said that the waste had the potential to be extremely odorous and the existing store had generated many complaints in the past. It was acknowledged that at certain times odours were created but the blending of waste would create a nuisance over and above this level.

The proposals if approved would also impact on tourism. The proposed development was in a remote location and did not constitute sustainable development in accordance with the NPPF.

Councillor J Rowlandson, local Member addressed the Committee stating that as had been said 70,000 tonnes of material would be transported and stored at the

site. WLP Policy W38 stated that proposals for the recovery of waste materials would be permitted provided they could be satisfactorily located at existing waste transfer stations, on land identified for general industrial use, in sustainable locations. This site was a considerable distance from any digester capable of taking the material. This was too large a project for where it was sited. The Member noted the comments of Ecology Officers as outlined in paragraphs 102-104 in the report and stated that this was a low-lying area where water pumps were required to maintain it as farmland. He asked Members to agree the Officer's recommendation for refusal of the application.

Mr R Laidler, local resident addressed the Committee against the application. From a personal perspective he explained that this was a beautiful area with wide expansive views which gave a sense of space and freedom. Mr Laidler was a photographer whose main interest was the area in which he lived and two photographs were displayed for Members consideration which had been taken two days previously; the first from Lanehead Lane looking north west over the application site and the second showing the existing concrete structure which was now unused. There had been a serious leakage in 2015, following which activity was ceased.

The proposals would create a new industrial site in this lovely area when there was no shortage of existing industrial sites in the wider region. If approved this scheme would set a dangerous precedent and it would be difficult to resist any other proposals to expand the business further. This location was a priceless heritage asset that should be protected against unacceptable development, and preserved as a jewel in the County.

David Marjoram of ELG Planning addressed the Committee as the applicant's agent. He explained that the proposals would provide a specialist facility utilising established anaerobic digester plants in the area at Southbank, Middlesbrough.

He believed that up to date guidance and the Government's AD Strategy and Action Plan which was published after County Durham Waste Local Plan acknowledged the key role of the renewable and low carbon energy sector. Reduced weight should therefore be placed on Policy W2. The proposed facility would handle 70,000 tonnes of material per annum, the majority of which would be in the form of farm crops, sourced from their extensive landholdings in the local area, agricultural matter related to the location and an element of food waste from elsewhere, but most material would be sourced close to home so it was argued that the site was in a suitable location. There was no facility of this type in the north east and material would otherwise be directed to landfill.

Relevant Technical Officers considered that there was no impact upon amenity and therefore the key consideration was the principle of development. The site was a logical location for such a facility and was supported by up to date guidance. Jobs would be created and the material would be returned to the farm as an odourless fertiliser.

The Senior Planning Officer pointed out that the Government's AD Strategy and Action Plan was not referred to in the report as it did not contain any planning

guidance and the facility proposed was not an anaerobic digester. Policy W2 of County Durham Waste Local Plan was therefore relevant.

Councillor Richardson stated that he could not support the application. The proposals would cause violent odour for surrounding areas. The applicant's agent had referred to material which would otherwise be directed to landfill, however he was aware of a plant in Newton Aycliffe where food waste was taken.

Given that it was clear from the Officer's report that the proposals were non-compliant with planning policies, Councillor Shield felt that there was no option but to refuse the application. He was aware of a local anaerobic digester which caused complaints about odour from the transport of feedstock on a regular basis. Councillor Shield **moved** refusal of the application.

Councillor Bell noted the significant objections to the application, including from all Parish Councils in the area and considered that these should be taken into account. Councillor Bell **seconded** the motion to refuse the application.

Councillor Clare sought clarification of the suggestion by the Agent that the County's Waste Local Plan had limited weight. The Senior Planning Officer explained that paragraph 14 of the NPPF established a presumption in favour of sustainable development where relevant policies were out of date, silent or absent. The Waste Local Plan, adopted in 2005, was considered to be broadly consistent with the NPPF and the relevant policies applicable to this application were not out of date. Therefore paragraph 14 did not apply in respect of this application.

Councillor Tinsley stated that in accordance with Policy W2 there was no established need for the development and that there were more sustainable locations for the operation. Whilst the Environment Agency had not raised any significant objections an incident had occurred, and the Environment Agency had noted that the site was in a vulnerable location. The Councillor concurred with the comments of the local resident Mr Laidler that the area was a beautiful part of the County, and tourism and economy were key strands running throughout the NPPF.

Upon a vote being taken it was **Resolved:**

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

d DM/16/04067/OUT - Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ.

The Chairman informed the Committee that local Members had advised that they had not had sufficient time to consider the report.

Resolved:

That the application be deferred.

Councillor H Nicholson left the meeting.

e DM/16/03448/FPA - East Durham Garden Centre, Easington, Peterlee

The Committee considered a report of the Senior Planning Officer regarding an application for the extension and refurbishment of the existing garden centre and car park at East Durham Garden Centre, Easington (for copy see file of Minutes).

S Eldridge, Central and East Team Leader gave a detailed presentation on the application which included a site location plan, site photographs and proposed layout.

Phillipa Stubbs, the applicant stated that BGS were a family-owned and run company that had been trading for 27 years, with 10 garden centres across the country. All members of the family took an active role in the running of the business.

The company had purchased East Durham Garden Centre in 2016 which they believed had scope to be a flagship destination garden centre. The biggest centre the company owned was in Scunthorpe with a turnover of £10m and which employed 300 staff at peak times. This application was expected to bring 200-300 jobs into the local area. She believed that their proven experience and success could make East Durham an £8m centre which would benefit the local area.

The garden centre would have a café, using local produce, and she expected visitor numbers to the area to increase which would benefit the local economy.

Councillor Tinsley welcomed the proposals which would bring diversification into the rural economy and would be an important contribution to Durham's economy, although he was unsure that it would generate 200-300 jobs. Councillor Tinsley **moved** approval of the application.

Councillor Clare concurred with the views of Councillor Tinsley stating that he was delighted to see a business wishing to expand and grow which was important in economic terms. Councillor Clare **seconded** the motion to approve the application.

Councillor Wilkes also queried the number of jobs the applicant claimed would be created and the impact on parking capacity for visitors as a result, however he welcomed the proposals for the centre.

These views were also supported by Councillors Richardson and Bell, and Councillor Richardson remarked that whilst he had reservations about job numbers he advised that the additional jobs that would be created would be welcomed.

Resolved:

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

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/16/04067/OUT

FULL APPLICATION DESCRIPTION: Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.

NAME OF APPLICANT: The Banks Group Limited

ADDRESS: Land To The North Of Mount Oswald
South Road
Durham
DH1 3TQ

ELECTORAL DIVISION: Neville's Cross

CASE OFFICER: Colin Harding, Senior Planning Officer
03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to the former Mount Oswald Golf Course lies close to the southern edge of Durham City. Roughly triangular in shape, the site is bordered by residential and University development to the north, and further residential development to the south. The A177 (South Road) runs along the eastern site boundary, with the Howlands Farm Durham University campus and Howlands Park and Ride car park, Durham Crematorium, and Durham High School beyond. The A167 runs along the western boundary, with open countryside beyond.
2. The particular site for this development is located in the north eastern corner of Mount Oswald. It is situated to the east of Phase 2 of the housing development and to the west of the previously approved site for the 1000 bedroom purpose built student accommodation. The site is surrounded by university accommodation and buildings, residential blocks and housing. Residential properties exist to the north west of the site and a footpath/cycleway runs adjacent to the northern site boundary. The site slopes up slightly in level from the southern boundary, dropping off in the north eastern corner. There are a small number of existing trees.

The Proposal

3. Planning permission is sought for the development of an 850 bedroom purpose built student accommodation, in addition to the 1000 bedrooms already approved on the site immediately to the east. The development would include a mix of two, three, and four storey blocks with a gross internal area of approximately 30,000 square metres. Although the application is currently only in outline form, indicative details have been submitted that suggest that the designs of the blocks would range from town houses to apartment blocks, with en-suite, studios and accessible bedrooms. The units would likely be arranged in clusters, with each cluster having its own kitchen/lounge/dining room. Other facilities, such as office space, common rooms, laundrette and car parking, are also proposed.
4. The submitted details suggest that the layout would have a hierarchy of access, movement and spatial definition, and include key nodes to the east of the site to announce arrival and connection points. These nodes would be connected by pedestrian boulevards, connecting the development to the proposed student accommodation to the east and the north into the University campus. It is also suggested that building blocks would be centred on a green courtyard and garden spaces with pedestrian priority routes. It is proposed that the density of the accommodation decreases from east to west, and separation between residential areas to the west and the development would be achieved by means of landscaped areas.
5. The development would be accessed by new adopted highways, which would connect onto the A177, served by a planned local bus route, with bus stops being positioned along the new access road. Existing and planned bridleways, cycleways and public footpaths would link the surrounding development plots to the residential areas and university college sites to the north, and to woodland areas to the south.

PLANNING HISTORY

6. 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.
7. CE/13/01396/RM Reserved matters relating to appearance, landscaping, layout and scale of the erection of 60 dwellings pursuant to Phase 1 of outline permission CMA/4/83 approved in June 2014.
8. DM/14/01268/RM Reserved matters application in regard to northern access road pursuant to planning permission CMA/4/83 approved in September 2014.
9. 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.
10. DM/15/01009/RM Electrical distribution substation and GRP gas kiosk approved in May 2015.
11. 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.

12. 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.
13. DM/15/03734/VOC variation of condition 1 pursuant to DM/15/03555/VOC in relation to Phase 1 of the development, comprising alterations to hard and soft landscaping, layout, and substitution of housetypes on plots 18, 19, 21 and 39 (amended description) approved in August 2016.
14. DM/15/03820/RM Application for reserved matters relating to appearance, landscaping, layout and scale for 105 dwellings (Phase 2) pursuant to planning permission CMA/4/83 approved in June 2016.
15. DM/17/00453/RM Reserved matters application in relation to linear park feature pursuant to application DM/15/03734/VOC approved February 2017.
16. DM/16/03490/NMA Non material amendment to Conditions 1 and 2 of DM/15/03820/RM to allow use of alternative of roof tile and boundary treatments and to allow occupation prior to implementation of Linear Park approved in January 2017
17. DM/16/04087/FPA Installation of temporary construction access road approved in February 2017. DM/17/00415/FPA Construction of Central Access Road approved in April 2017.

PLANNING POLICY

NATIONAL POLICY

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
19. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. 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.
20. *NPPF Part 1 – 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 of a low carbon future.
21. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given

to solutions which support reductions in greenhouse gas emissions and reduce congestion.

22. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
23. *NPPF Part 7 – Requiring Good Design.* 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
24. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
25. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
26. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
27. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

28. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

29. *Policy E5 Protecting Open Spaces within Durham City.* (Part 2 of the Policy) seeks to protect open spaces which form a vital part of the character and setting of Durham City by only permitting development in the Mount Oswald – Elvet Hill parkland landscape area which does not exceed the height of surrounding trees and is sympathetic to its landscape setting, and is of low density, setting aside most of the site for landscaping and open space.
30. *Policy E5A - Open Spaces within Settlement Boundaries.* Protects the important functional, visual or environmental attributes that contribute to a settlement's character.
31. *Policy E14 - Trees and Hedgerows.* Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
32. *Policy E15 - Safeguarding woodlands, trees and hedgerows.* Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
33. *Policy E16 - Protection and Promotion of Nature Conservation.* Seeks to protect and enhance the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
34. *Policy E21 - Conservation and Enhancement of the Historic Environment.* Requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
35. *Policy E23 - Listed Buildings.* Seeks to safeguard listed buildings and their settings.
36. *Policy E24 - Ancient Monuments and Archaeological Remains.* Sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
37. *Policy H16 - Residential Institutions and Student Halls of Residence.* Provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

38. *Policy EMP3 - Mount Oswald.* Permits the development of a prestigious office/research centre project of a strategic significance at Mount Oswald provided that the parkland and landscape quality of the site is not compromised. Only employment uses relating to Class B1 of the Use Classes Order will be permitted on this site.
39. *Policy T1 - Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
40. *Policy T5 – Public Transport* states that the council will encourage improvements to assist public transport services within the district by a variety of measures including traffic management systems, provision of park and ride scheme, provision of suitable facilities for users of public transport, and ensuring new developments can be conveniently and efficiently served by public transport.
41. *Policy T10 - Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
42. *Policy T19 - Cycle Routes.* Seeks to ensure the development of a safe, attractive and convenient network of cycle routes throughout the district.
43. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
44. *Policy T21 - Safeguarding the Needs of Walkers.* States that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
45. *Policy R1 - Provision of Open Space* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
46. *Policy R2 - Recreational and Amenity Space in the New Residential Developments* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
47. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility.* States that the layout and design of all new development should take into account the requirements of all users.
48. *Policy Q5 - Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

49. *Policy Q8 - Layout and Design – Residential Development.* Sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
50. *Policy Q15 - Art in Design.* States that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
51. *Policy U7 - Pollution Prevention – Development Sensitive to Pollution.* States that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
52. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
53. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY:

The County Durham Plan

54. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.
55. The Council have in place an Interim Policy on Student Accommodation. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built student accommodation (PBSA). Part B of the Interim Policy states that new PBSA's should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. Part B further states that proposals for PBSA development will not be permitted unless the development is readily accessible to an existing university or college; the design and layout would be appropriate in relation to neighbouring uses; the internal design, layout and standard of accommodation is of appropriate standard; the impacts from occupants of the development will not have unacceptable impact upon the amenity of surrounding residents; the quantity of cycle and car parking is in line with Council Parking and Accessibility Guidelines; and the applicant has shown that the security of the building is considered.

56. Although Durham City Neighbourhood Planning Forum has been established, and a Neighbourhood Area defined, which includes the application site, no draft Neighbourhood Plan has yet been published.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

57. *Highways Authority* – No objections are raised subject to conditions and the securing of a financial contribution to increase capacity on the Park and Ride scheme. Previously raised concerns with regards to the impact of the development upon pedestrian infrastructure, and the Park and Ride have been addressed through the application process.
58. *Northumbrian Water* – Raise no objection but considers that the application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved prior to the development commencing.
59. *Drainage and Coastal Protection* – Raise no objections to the proposal on the understanding that the recommendations included within the submitted surface water drainage strategy and flood risk assessment are implemented.

INTERNAL CONSULTEE RESPONSES:

60. *Archaeology* – No objections are raised. Officers note that the archaeological issues regarding this site were explored under the previous outline application (CMA/4/83) and were adequately investigated via field survey and evaluation. This work only identified that Manor House and Walled Garden needed further mitigation. There are no objections to the changes suggested in this application as they do not alter the advice previously given.
61. *Design and Conservation* – No objections are raised. The application has given consideration to protect local amenity by ensuring adequate separation distance between student accommodation and residential development and proposing western edge of site is at maximum 2 storeys high. Although there is some assessment on Heritage impact, such as Mount Oswald House, this has not been evidenced. As a result it is recommended that the scale of the development in the form of student numbers and building heights is controlled by planning conditions.
62. *Landscape* – Raise no objections. It is considered that the proposals would be unlikely to give rise to any significant landscape and visual effects over and above those considered when outline permission was granted. Although the application is in outline with all matters reserved, positive observations are made on the indicative masterplan, layout and landscaping plan as well as identifying areas for further consideration at the reserved matters stage. It is noted that a TPO tree within the

site clearly has some value to the site as a mature feature and should be retained unless this would compromise an important element of the final design.

63. *Landscape (Arboriculture)* – Raise no objections concurring with the views of Landscape officers.
64. *Ecology* – No objections to the application are raised. Officers confirm that the submitted ecological assessment is sufficient to inform the application and they have no concerns with the proposal. It is noted that the SUDS pond adjacent the proposed student accommodation blocks provides an opportunity to increase the biodiversity value of the site and it is requested that the ecological consultants are engaged to advise on the design and subsequent management.
65. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections agreeing with the submitted environmental ground investigation interpretative report although it is noted that it was incomplete in so far as gas monitoring. It is therefore recommended that a condition be applied requiring a scheme to deal with contamination to be submitted and approved prior to commencement of the development.
66. *Environment, Health and Consumer Protection (Noise, Dust and Light)* – No objections are raised subject to the imposition of conditions. In terms of noise, officers consider that there was insufficient information submitted for full consideration against thresholds stated in the Council's Technical Advice Note. The application includes the construction of new student accommodation in an area where there are existing and proposed residential and commercial uses, 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) a condition is recommended 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. With regard to light it is noted that the development is within a larger development that includes housing, commercial premises and retail uses, it is therefore recommended 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. In addition it is recommended that conditions are attached to any approval granted requiring controls on noise, vibration and dust during the construction phases. Officers are of the opinion that there are several aspects of the development that if not appropriately controlled may potentially result in a statutory nuisance, as defined by the Environmental Protection Act 1990, being created.
67. *Environment, Health and Consumer Protection (Air Quality)* – Officers identify that the proposed development may have impacts on air quality during both the construction and operational phases. Through condition the submission of a dust action plan is requested. Should construction work extend beyond a 12 month period then a qualitative assessment of the impact of emissions of 'nuisance' dust and air quality pollutants should be undertaken. During the operational phase it is requested that the proposed development be undertaken in accordance with the university Travel Plan and this should be included as a condition. It is confirmed that an assessment of the impact on air quality is not required in this case.

NON-STATUTORY CONSULTEE RESPONSES:

68. *Police Architectural Liaison Officer* – Concerns are expressed over the management plan of crime risk assessment. The main crime risk will be theft of unattended bicycles. Therefore, cycle storage should be covered, well-lit and situated near

building entrances. Licensing is needed for the convenient store because it could become monopolised for the sale of alcohol. Operating hours for a hot food takeaway should be limited to operating hours to 11pm. The application does not have an assessment of the ability of pavements and footpaths to cope with more pedestrians, currently, sections of footpath on South Road are too narrow for the current pedestrian traffic. It is considered that diverting the footfall from the new accommodation along Mill Hill Lane into Van Mildert College could help alleviate the problem however this raises the issue of the street lighting on the Lane which should be reviewed as should the lighting on South Road.

PUBLIC RESPONSES:

69. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 7 representations have been received, 4 objections, 2 offering comments and 1 support.

Objection

70. Objections are raised on the basis that the planning application is misleading and unclear on whether it is related to the already approved 1000 student bedrooms. Suspicions are raised as to whether the applicant is applying for the extra 850 bedrooms now to increase approval chances because if it had applied for 1850 in the beginning, it would not have been approved. Concerns are raised on the increased pressure to Park & Ride and South Road traffic. Concerns are raised regarding the maintenance of the green space at Mount Oswald and the fairness on the people that have already bought houses at the Mount Oswald site, and it is suggested that an area identified as to be planned later be designed for community use, such as extra green space, parking lots, gyms etc.
71. The development does not fit the Council's own Interim Policy on Student Accommodation. No need has been evidenced. The proposal is too dense (850 compared to 125 person spaces) compared to what was in the outline permission. The application is incomplete, hiding significant additional requirements within a nebulous future "reserved matters" application. Concerns are raised that there is likely to be a 'need' for a bar and drinks licence. This development is not necessary according to the figures included in this application. There is no support from the University. The figures for distance to amenities are plain wrong, and farther than stated. There are other factual errors and mis-statements in the application. The single protected tree on the site is under threat from this development. The additional foot or cycle journeys are dangerous on the poor paths around the site and narrow pavements to University premises.
72. It is argued that since Banks wants to replace the 25 houses, as proposed in the masterplan, with 850 rooms, this is a significant increase in density. It is also claimed that the need for more student accommodation has not been demonstrated, since there are already many approved applications for student accommodation developments. Concerns are expressed over noise and disturbance from the on-site bar, the management of the accommodation if it will not be a college, and student parking spaces. Concerns are also raised about the ability of existing footpath and cycle routes to handle additional students. Furthermore, the applicant is unclear about the additional facilities that they may build on the student accommodation development. If it becomes a college, it will need staff accommodation, common rooms, bar, etc. These should be considered now. Objection is raised to argue that the economic benefits would be the same if residential housing was built. Objection is raised to claim that the site is not within easy walking distance and not as far from the Heritage site as the application states. Concerns are raised over the applicant's

interest in the local community, as the applicant has not yet improved the existing footpath. It is also suggested that potential impacts upon trees, land and drainage need consideration.

73. Concerns are expressed about the loss of privacy, traffic generation, noise and disturbance, density of building, and design, appearance and materials. It is considered that increase in the possible total student population would quite significantly alter the balance between private residential and communal student accommodation and that the assessed additional (private) housing need which supposedly underpinned the main development was exaggerated and that it is possible that private housing stock in the higher density housing still to be complete is likely to be a target for HMO usage like with other developments such as Sheraton Park. It is considered that this would lead to unacceptably high level of congestion in areas still being developed which would generate a significant loss of privacy to private households. Concerns are raised regarding traffic generation and pedestrian flows along narrow footpaths. It is also claimed there is little commitment to consider needs and interests of the local community, but willingness to accommodate other stakeholders, like the University.
74. Concerns are made about the about height of accommodation blocks: some blocks are four storeys high which does not match nearby buildings which are only two storeys high and are totally out of character. Questions whether the applicant has consulted with the university and the need for additional student beds. It is noted that the number of people in this development is considerably greater than what Banks had originally received permission for, making a major change to character of locality. Concerns are raised regarding noise and disturbance to residential properties (with specific mention made to Merryoaks) given the proposed number of students and also possibility of a future proposal for a bar. The lack of parking spaces for students is raised as a concern and despite the University having a student parking policy there is concern that that this only covers University premises and students would park in the nearby residential areas of Mount Oswald and Merryoaks.
75. *The City of Durham Trust* – raise a number of concerns noting that it would be inconsistent to object to the application given the student accommodation element was the only part of the original application which the Trustees could see justification. It is noted that the original masterplan included a site for c.1000 bed student accommodation the current application state approximately 850 but it is noted that an adjacent site has been identified in the University's Development Strategy. It is considered that the present PBSA will need to be re-visited as twice the number of students would be involved and there is need for close liaison between the developer and the University. Queries are raised in relation to the submitted transport information and connectivity and highlights current issues of narrow pavements at South Road and Church Street. Comments are made regarding the layout and design of the PBSA considering that it is rectilinear in shape which encourages a similar road pattern which would make it more difficult to achieve a focal point and togetherness. It is noted that the internal layout is a reserved matter, but in effect this could mean a carte blanche.
76. *Campaign to Protect Rural England (CPRE)* – Objects to the proposal. CPRE supports the representations of City of Durham Trust. Reference is made to paragraph 18 of the Interim Policy on Student Accommodation and accept that Mount Oswald has a mixed permission for residential and student accommodation, however, the original masterplan shows this site as housing and a park. CPRE agrees with the Interim Policy considering that student accommodation should not

replace the need for housing and so put greater pressure on the Green Belt and greenfield sites surrounding Durham City.

Support

77. *Durham University* - supports the application. It is noted that its Estates Masterplan (2017 – 2027) sets out how it intends to develop its facilities and accommodation alongside its strategy for growth, while always fully respecting the needs and interests of its host communities in Durham City. The current application sits among existing University colleges and facilities and adjacent to University-owned land with outline consent for student accommodation. It therefore considers it to be a sustainable location in accordance with the NPPF and local policy. It is considered that the site relates well to land within the Durham University Estate and is located close to other colleges, business school and academic student support facilities at Upper and Lower Mountjoy. The development will also benefit from proposed infrastructure improvements along South Road intended to improve connectivity and movement around the city for all. The impact on local communities that a development of this scale and nature that this scale of development is acknowledged but the University considers that the existing residential dwellings located to the north west of the site and the further houses planned as part of Mount Oswald Masterplan are sufficiently well screened that the development is unlikely to have a detrimental effect on residential amenity. It is noted that amongst the student body there is a clear demand for greater choice of good quality accommodation and the outline proposals and the facilities that would be offered would contribute to this demand and would require careful consideration at a future reserved matters stage and this would extend to matters related to internal and external design and layout, landscaping, parking and management of the facility.

APPLICANTS STATEMENT:

78. Mount Oswald is located to the south of Durham City, adjacent to the University campus buildings to the east and existing residential development to the north. This area of the city is a popular and sustainable location, with good transport links and access to areas for recreation, retail and community facilities. It has excellent connections to Durham City Centre.
79. The Banks Group considers that the proposed student residential development is therefore in a sustainable and attractive location. It is also located adjacent to the existing University campus.
80. As detailed within the Planning Statement and the letter of support from Durham University, there is an identified need for further purpose built, high quality student residential development at Mount Oswald. The University's Estate Strategy (2017-2027) projects overall growth in the number of students who will require College accommodation. The proposed development will be collegiate in style, effectively forming an extension to the existing campus. It will provide a mix of accommodation types, including town houses and flats, in an attractive, safe, accessible and welcoming setting.
81. As discussed within the Planning Statement, the development is considered to be in accordance with both the interim planning policy for student residential development and other relevant national and local policies. Additionally, The Banks Group have worked proactively with the Council throughout the development process, to ensure that the proposals are acceptable from a landscape, heritage, highways, flood risk and ecological and point of view.

82. The application proposals are for a different student accommodation product to the types being proposed around the city centre. Most importantly, the proposals present a logical opportunity to enlarge the campus in this location, as the development is capable of being incorporated within the existing University Campus as a sustainable addition to the existing development.

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

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

83. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development; impact upon residential amenity, character and appearance, highway safety and access, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

84. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

Assessment having regards to Development Plan Policies

85. CDLP Policy H16 relates to student halls of residence and forms of residential institutions. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of CDLP Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents. CDLP Policy H16 is considered to consistent with NPPF, and can continue to be afforded significant weight.
86. Policy C3 of the local plan relates to development by the University of Durham, the University is not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application. The proposal is not considered contrary to Policy H16 on sustainability grounds as the site is well located in terms of local services and within easy walking distance of bus routes, and University buildings. Impact on amenity and character/appearance of the area are considered later in this report.
87. CDLP Policy EMP3 allocates the Mount Oswald site for the development of a prestigious office/research centre of strategic significance, and states that only B1 use classes will be permitted. This policy dates to 2004, and is now some 13 years

old. Since this time planning permission has been granted for residential development on the site, Phase 2 of which is currently under construction. The permission also contains elements of student accommodation.

88. As a result, it is considered that Policy EMP3 is not a wholly up-to-date policy, as events have surpassed the allocation. As a consequence, it is considered that very little weight can continue to be afforded to the policy, and that it should not stand as a barrier, in principle, to the student accommodation use that is proposed as part of this application.
89. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built student accommodation (PBSA). The proposal is for PBSA and therefore needs to be assessed against the criteria in this policy. Part B of the Interim Policy states that new PBSA should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider.
90. The planning statement submitted with the application provides information in relation to the need for additional student accommodation which refers to the Durham University Estate Strategy 2011-2020. This document identified future growth of student numbers amounting to 2000 additional students by 2020. A revised University Strategy (2017 – 2027) projects further additional growth in student numbers, amounting to a further 6,000 students within the strategy period. This growth is attributed to increases in both undergraduate and postgraduate students, as well the relocation of around 1,700 students from the Stockton Campus.
91. The application identifies that since 2012, around 3,000 student bedrooms have been granted planning permission, in the form of PBSA, and have not yet been implemented. Separately, around 1,200 student bedrooms have been implemented and are available for use. This results in a supply of around 4,200 student bedrooms in the form of PBSA within Durham City, working on the assumption that all approved bedrooms will be implemented. Measured against the University's latest growth figures, this results in an undersupply of around 1,800 bedrooms, and having regards to the requirements of the Interim Policy on Student Accommodation, it is considered that the requirement to demonstrate need has been met.
92. The application site is currently undeveloped, and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. The Mount Oswald site more generally has an informal leisure use, and the approved masterplan for the redevelopment of the overall park takes account of this, and would not be jeopardised by this proposal. Impacts on surrounding residential uses are discussed elsewhere in this report.
93. Durham University has been consulted with regards to these proposals, and have indicated support for them, noting that the site lies adjacent to Durham University owned land which benefits from outline planning permission for student accommodation. The University also recognises that the application site is well related to land with the Durham University Estate, including the "Hill Colleges", Durham University Business School, and Upper and Lower Mountjoy.
94. Overall therefore, the development is considered to be acceptable in principle, subject to the development being in accordance with the character and appearance requirements of CDLP Policy H16, and the amenity requirements of the Interim Student Policy.

Impact upon Residential Amenity

95. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through the concentration of students but also with regards to specific relationships with the closest properties.
96. CDLP Policy H16 states that student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by CDLP Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them. CDLP Policy H13 is considered to be consistent with NPPF, and can continue to be afforded significant weight in the decision making process. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and Paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The Interim Policy also states that proposals for PBSA should not be permitted unless the impacts from occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration.
97. The closest currently occupied residential properties to the application site are those located at the south eastern corner of Dickens Wynd. The closest of these properties is located approximately 40m from the north-western corner of the application site. Properties on Dickens Wynd would be located beyond the existing shared path that runs along the northern edge of the Mount Oswald site, and there is existing intervening vegetation in the form of trees and hedgerows.
98. Additionally, it is reasonable to expect that the majority of students would be entering and leaving the site from either a north-eastern direction, via Mill Hill Lane, or to the south, towards South Road. It is likely that there would be some increase in the use of the shared used path, heading westwards towards the A167, between Mt Oswald and Dickens Wynd, however the relative lack of obvious destinations from this route, suggests that movements to and from the site from this direction would be lesser. As a result, impacts upon residential amenity as a result of student activity from outside of the site are likely to be lesser.
99. The proposed development would have a closer relationship with housing currently under construction as part of Phase 2 of the Mount Oswald housing development, where in some cases, residential properties would be as close as 15m to the application site boundary. However, subject to appropriate design and layout, it is probable that an acceptable scheme of development could be accommodated within the site, that would not give rise to an unreasonably low levels of residential amenity being experienced at those residential properties closest to the site.
100. Notwithstanding this, it is more than possible that student accommodation and residential development can co-exist in relatively close proximity, and that the presence of one should not necessarily preclude the other. With details of layout not being a matter for consideration at this time, and having regards to the size of the application site, it is considered that it would be possible to arrive at detailed scheme of development that would ensure that matters of residential amenity are suitably addressed through the design process.

101. Some objectors have highlighted that many PBSA developments and Durham University colleges incorporate “hub” areas, common rooms, and also bars. Concern is raised about the level of noise that may be generated by such areas, and how the behaviour of students using such areas may affect local residents. At the present time, no detailed designs are available for consideration, with the application being only in outline form, although it is accepted that the development will ultimately likely include ancillary recreational facilities. However, fully comprehending the location, operation, and potential impacts of these facilities is difficult at that stage. However, it is considered that given the size of the site, and its location, that it should be possible to design any PBSA scheme to ensure that potential disturbance is minimised through good design, and the appropriate location of such facilities within the site.
102. Additionally, it is considered to be best practice to secure a student management plan as part of any planning permission by means of planning condition, in order to ensure the development would be operated in an appropriate manner. The management plan could include such measures as day-to-day management of communal areas and individual rooms; tenancy agreements; traffic management with moving in and out procedures; and community and University liaison. Such measures should ensure that any adverse impacts upon local residents are minimised.
103. With so few details relating to the final layout and design of the development being available at this time, Environmental Health and Consumer Protection Officers recommend that noise surveys are undertaken prior to a final design being undertaken, in order to ensure that acceptable internal noise levels for prospective occupiers of the development are achieved. This can be secured by means of a planning condition. Likewise, it is also suggested the issue of lighting within the site is fully considered, and a planning condition relating to a scheme of lighting to be agreed prior to implementation is also suggested.
104. In terms of privacy, light and outlook, CDLP Policy Q8 sets out minimum separation distances between new development and existing buildings. This policy is consistent with NPPF, and can continue to be afforded significant weight. With layout, scale and appearance being matters reserved for later consideration, it is not possible at this time to consider precise impacts. However, the submitted indicative layout, and the location of the closest existing residential properties suggests that the development can be accommodated within the site, without having to compromise residential amenity in the form of outlook, privacy, or light.
105. With regards to air quality, Environmental Health and Consumer Protection Officer advise that they would not expect the development to have a significant impact during its operational phase. They do however suggest that a Dust Action Management Plan be secured by means of planning condition to ensure the dust generated during construction is appropriately managed. Subject to such a condition, the proposed development is considered to be acceptable in this respect, and in accordance with Policy H13 and Parts 8 and 11 of NPPF.

Character and Appearance

106. The character and appearance of the site at present, is one of open grassland, exhibiting remnants of character from its former use as part of Mount Oswald golf course. The Mount Oswald site as a whole is subject to CDLP Policy E5, which seeks to ensure the protection of open spaces within Durham City which form a vital part of its character and setting. Specifically in respect of Mount Oswald, it states the development will only be permitted where it does not exceed the height of surrounding trees, is sympathetic to the landscape setting, and is of a low density

and sets aside most of the site for landscaping /open space. CDLP Policy E5 is considered to be consistent with NPPF, and can continue to be afforded significant weight.

107. CDLP Policy E5a reinforces Policy E5 by stating that the development proposals within settlement boundaries that detract from open spaces which possess important functional, visual, or environmental attributes will be resisted. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
108. In applying CDLP Policy E5 to this proposal, it is important to recognise that the policy is seeking to protect the Mount Oswald site as a whole. A comprehensive masterplan for the redevelopment of the Mount Oswald site has previously been granted planning permission, and is currently under construction, and includes significant areas of retained open space, including the most sensitive areas, and the area of the Grade II Listed Park which is located in the immediate vicinity of Mount Oswald Manor House, resulting in a relatively low density of development overall. The development which is subject to this application, would sit within this wider masterplan for the entire site, and although not necessarily identified for student accommodation, the development of this part of Mount Oswald, in some form has previously been accepted as part of this approved masterplan.
109. In terms of building heights, and specifically the requirement to not exceed the height of surrounding trees, it is noted that the scale and appearance of the proposed development is a matter reserved for future consideration. However, indicative details submitted with the application indicate that some blocks may be up to four storeys in height. However, the policy in respect of surrounding trees can be applied in this particular instance is unclear, as this part of the site is largely surrounded by open space, however woodland to the north is located a significantly higher level, and trees to the south of the site, beyond the main access road also benefit from a higher topographical aspect.
110. Landscape Officers offer no objection to the proposed development, noting that the indicative layout is well considered, with scale and massing responding to the topography of the site and its context. The specific impacts of any detailed design proposal would have to be explored when such details are provided. However, at this stage, it is considered that it would be possible to accommodate the scale of development proposed, whilst remaining in accordance with CDLP Policies E5 and E5a.
111. CDLP Policies E14 and E15 seek to ensure that existing trees within development sites are retained and protected wherever possible. These policies are considered to be NPPF compliant, and can continue to be afforded significant weight.
112. It is noted that there is a tree within the site that is subject to a Tree Protection Order, and should therefore be retained, if at all possible. With layout being a matter reserved for future consideration, this issue cannot be fully considered at the present time, however it is considered to be unlikely that a single tree would present so much of a constraint to the development that its loss would be inevitable. Therefore, subject to planning conditions being attached requiring the retention of trees, the development can be considered to be in accordance with CDLP Policies E14 and E15.

113. Matters of appearance are also reserved for later consideration. However, the suggested indicative design approach incorporates a transition of scale and design from a more domestic scale closest to the residential properties to the west, to a more institutional scale further to the east, as the development moves away from neighbouring uses. This approach although indicative, is considered to be acceptable and suggests that a suitable form of development can be achieved. A full landscaping scheme, in accordance with CDLP Policy Q5, and a layout and design subject to CDLP Policy Q8 would be considered further at the reserved matters stage, however details relating to these matters can be secured by means of planning conditions.
114. Overall therefore, it is considered that although indicative details are available at the present time, that the development could be successfully assimilated into the site, and its surroundings, in accordance with CDLP Policies E5, E5a, E14, E15, Q8 and Q15, as well as Part 11 of NPPF.

Highway Safety and Access

115. CDLP Policy T1 states that development that leads to a detrimental impact upon highway safety will not be permitted. This policy is considered to be only partially consistent with NPPF, which at Paragraph 32 advises that developments should only be refused on highways grounds where residual cumulative impacts would be severe. Accordingly, only reduced weight can be afforded to CDLP Policy T1. CDLP Policy T10 states that vehicle parking should be limited in amount, so as to promote sustainable travel options. This policy is however considered to be inconsistent with the NPPF, which does not advocate blanket limitations on parking provision, and as a result should not be afforded significant weight.
116. In terms of impacts upon the highway network, it is acknowledged that the development would be unlikely to be a significant generator of vehicle trips, particularly as the application states that the development would have only limited parking, and operate as a “no-car” scheme. Highways Officers offer no objection to this reason or conclusion.
117. CDLP Policy T5 seeks to encourage to improvement public transport services within the district, including the provision of park and ride schemes, and also seeks to ensure that that new developments can be conveniently and efficiently served by public transport. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
118. Highways Officers had originally raised concerns with regards to the increased usage of the Howlands Park and Ride site which would result from this development. The Park and Ride site is located within 400m of the site, and is likely to attract additional passengers from the proposed development. The applicant has modelled the likely impacts upon the Park and Ride service as a result of this development, and this modelling concludes that a peak times, particularly at the start of the University Term in October, that capacity would be exceeded. This modelling is based upon existing usage figures. Various mitigation measures to address this issue have been discussed with Highways Officers, and it is considered that the most appropriate means would be to increase the size of buses operating from Howlands, from an Optare Solo, to an Optare Streetlife model. It is expected that the increase cost to operate this service over a 5-year period would £233,260 however it is also expected that it would lead to an increase in revenue of £103,700 over the same period, meaning that the net cost of mitigating the impact of the development would be £129,260 would be over a 5-year period. It is proposed that this can be secured by means of a planning obligation under Section 106 of the Town and Country

Planning Act. Subject to this mitigation, it is considered that the proposed development would be in accordance with CDLP Policy T5, and the Park and Ride service would retain sufficient capacity to allow efficient operation for student occupiers, as well as those who utilise the car parking facilities at Howlands.

119. CDLP Policies Q1 and Q2 seek to ensure that all new developments take into account the requirements of all users, whilst CDLP Policies T19 and T20 seek to ensure the provision of adequate cycling facilities. CDLP Policy T21 seeks to safeguard the needs of walkers by providing safe and attractive footpath networks. These policies are all considered to be NPPF compliant, and can continue to be afforded significant weight.
120. The submitted information highlights that the proposed development would be likely to generate substantial pedestrian traffic, and as a result, consideration has been given to the likely distribution of pedestrian movements. In this instance, it is considered likely that the majority of movements will be to the north east, towards the "Hill Colleges", Durham University Business School, and towards the Lower Mountjoy site on South Road. This would likely lead to movements via Mill Hill Lane, and to a lesser extent eastwards towards South Road and Howlands Park and Ride Site.
121. Durham Constabulary has raised concern that footways on South Road are narrow and are unlikely to be able to accommodate significant levels of pedestrian traffic without causing a road safety issue. This is reflected in the comments of Highways Officers. As a result, it is considered that it would be preferable to encourage students to utilise the quieter Mill Hill Lane route as an alternative.
122. Following discussions with the applicant, Durham University and Highways Officers, it is apparent that at present there is an existing issue with pedestrians failing to utilise the footway associated with Mill Hill Lane, due to its somewhat circuitous route, resulting in pedestrians choosing to walk on the carriageway instead. Clearly introducing significant additional pedestrian traffic into such a situation, without mitigation would not be advisable.
123. As a result, the applicant has agreed to undertake to develop a scheme of highway improvements to Mill Hill Lane, which would take place within the adopted highway. These works would include improving the footway on the southern side of the road, traffic calming features, and improved lighting and signage. Officers consider that as there is a reasonable likelihood of such works being delivered, despite the applicant not being in control of the land, that it would be reasonable to secure these works by means of a Grampian-style planning condition, attached to any permission, requiring details of a scheme of pedestrian and cycle improvements to be agreed and implemented prior to the occupation of the development.
124. Overall, it is considered that subject to Mill Hill Lane being appropriately improved, that this would provide a quieter, more pleasant and generally safer pedestrian route, than the alternative route via South Road, and as a result, would be more attractive and convenient for those travelling by foot and bicycle. The improved access on Mill Hill Lane would provide opportunities for students to access facilities such as the Business School and to move northwards along Elvet Hill Road and down Potters Bank to reach university facilities on the Peninsular, and so whilst some students would inevitably ultimately reach South Road others will move in different directions.
125. Furthermore, the Durham University Masterplan 2017-2027 outlines plans to construct a segregated "super-highway route" for pedestrians to run parallel with South Road on its eastern side, as a measure to improve pedestrian access in and

around South Road. This is within the control of Durham University as opposed to the applicant, is not at this stage finalised, and shouldn't be afforded weight in the determination of this application, but does provide context. However, the measures proposed as part of this application, would minimise the use of South Road to such an extent that it would address the concerns of Durham Constabulary and Highways Officers insofar as they relate to this specific development, and further, would assist in better assimilating the proposed development into the Durham University Estate and "Hill Colleges".

126. Subject to these mitigation works, it is considered that the proposed development would be in accordance with CDLP Policies Q1, Q2, T19, T20 and T21, as well as Part 4 of the NPPF.

Flood Risk and Drainage

127. CDLP Policy U8a states that development proposals must make satisfactory arrangements for foul and surface water disposal. This policy is considered to be consistent with Part 10 of NPPF, which relates to mitigating climate change, and can continue to be afforded significant weight in the decision making process.
128. The application is accompanied by a flood risk assessment, which sets out that the site lies within Flood Zone 1, and is therefore at low risk of flooding. The document also sets out the surface water drainage strategy, which would take advantage of existing infrastructure installed as part of the overall Mount Oswald development. Although a detailed drainage scheme would not be available until matters relating to layout and design are considered, the applicants have outlined a drainage scheme whereby surface water would drain into this equipment at a restricted rate, achieved via SUDS source control and attenuation, that would not exceed existing greenfield run-off rates. This scheme has been considered by the Council's Drainage and Coastal Protection Team, who raise no objections to the proposed drainage scheme. As a result, it is considered that the development would not be at significant risk of flooding, nor increase flooding elsewhere, and that the development would be in accordance with CDLP Policy U8A and Part 10 of NPPF in this respect, subject to a planning condition securing final details of a drainage scheme.
129. With regards to foul water disposal, it is indicated that connection would be made to existing equipment. Based on the information submitted with the application Northumbrian Water advises that there is insufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved prior to the development commencing. Drainage and Coastal Protection raise no objections to the proposal on the understanding that the recommendations included within the submitted surface water drainage strategy and flood risk assessment. The development would therefore be in accordance with CDLP Policy U8A and Part 10 of NPPF in this respect also.

Ecology

130. The closest site of nature conservation interest is Blails Wood Local Wildlife Site which is located approximately 400m to the south east of the application site. CDLP Policy E16 as well as Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. CDLP Policy E16 is considered to be NPPF compliant and can continue to be afforded significant weight. An ecology walkover survey has been submitted with the application, which updates earlier

ecological survey work dating from 2009. The survey concludes that there are no trees within the site with the potential to support roosting bats, although common pipistrelle bats were identified as using the site for foraging and/or commuting. No evidence of breeding birds, badgers or other protected species was found. It is also established within the survey the development would lead to the loss of approximately 3ha of improved grassland.

131. The bats found to be using the site for foraging, are of a species afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended). However, it is accepted that the improved grassland character is unlikely to be providing good foraging opportunities, with bats generally preferring structured habitats such as woodland, over open areas. As a result it is considered that the proposed development would not lead to loss of habitat, or be likely to have a detrimental impact upon the population of bat species. The County Ecologist raises no objections to the proposal.
132. It is noted that lighting within the development may have the potential to have an impact upon bats commuting or foraging outside of the site, and therefore it is suggested that a planning condition be attached in order to ensure that any lighting scheme is developed so as to minimise any impacts upon bat populations. Furthermore, it is suggested by the County Ecologist that opportunities for ecological mitigation, or indeed enhancement may present themselves during the detailed design and the scheme. A planning condition is suggested in order to ensure that mitigation is secured.
133. None of the works proposed would require a licence from Natural England, therefore there is no need to consider the derogation tests related to the granting of licence, in this instance.
134. In conclusion, as there would not be substantial harm to biodiversity interests, that could not be mitigated, the proposed development is considered to be in accordance with CDLP Policy E16, and Part 11 of the NPPF.

Heritage Impacts

135. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 has a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
136. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets that may be affected by the development, whilst Paragraph 131 states that the impact local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires the impact of a development upon the significance to be considered, and that great weight should be afforded to the asset's conservation.
137. CDLP Policy E21 requires consideration to be given to buildings, open space and their setting which are not otherwise protected. CDLP Policy E23 seeks to safeguard listed buildings and their setting. CDLP Policy E26 seeks to resist development would detract from, or involve the loss of Historic Parks and Gardens. All of these

policies are considered to be NPPF compliant, and can continue to be afforded significant weight.

138. The closest heritage assets to the application site are Mount Oswald Manor House, a Grade II Listed building, and the locally listed Historic Park and Garden within which it sits. The northern boundary of the Historic Park and Garden lies approximately 20m to the south of the application, and the Manor House around 100m to the south east.
139. The application has concludes that 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, that there would not be a harmful impact upon the significance of the listed building, or the character of the parkland.
140. Officers consider that these conclusions are generally sound, and Design and Conservation Officers raise no objection to the application. The application site itself is located within the less sensitive area of the wider Mount Oswald site, and it should be acknowledged that outline planning permission for a 1000 PBSA development exists on a site immediately to the east, which would inevitably involve development of a similar, if not larger scale.
141. In this instance, it is the scale of the proposed student accommodation that is the key factor in whether there is an impact upon the significance of the Manor House. Topography provides some assistance, in that the site is, at its highest point marginally lower than the position of the Manor House, and falls away further to the north, however built development would potentially be visible through, or possibly even above, the mature screen of trees that provides a buffer.
142. Matters of scale and appearance are matters reserved for future determination, and as a result, the details which are currently available are only indicative. As a result, this matter will have to be given very careful consideration at the design stage. However, details submitted at this time suggest that any development would not need to exceed four storeys in height in order to accommodate the numbers of students proposed. Given the sensitivity of the location, and in order to ensure that there are not impacts upon the significance of the Manor House, a planning condition is suggested in order to restrict any future development to four storeys in height.
143. Subject to such a condition, that there would be no harm to the heritage assets, and the proposal is considered to be in accordance with CDLP Policies E21, E23 and E26, and Paragraphs 129, 131 and 132 of NPPF.
144. In terms of archaeological remains, CDLP Policy E24 seeks to ensure that any archaeological remains are properly understood, and preserved wherever possible. This Policy is considered to be consistent with Part 12 of the NPPF, and can continue to be afforded significant weight.
145. The archaeological potential of the application site was previously evaluated as part of the original outline planning permission for the redevelopment of the Mount Oswald site in its entirety. As a result, it has not been considered necessary to repeat this work with regards to this application. It has been confirmed that the likelihood of there being heritage assets in the form of archaeological remains on the site is low, and as result, there would be no harm to heritage assets as a result of this development. Furthermore, the County Archaeologist raises no objections to the application, which is considered to be in accordance with CDLP Policy E24, as well as Part 12 of NPPF.

Other Issues

146. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. CDLP Policy U14 states that energy efficient materials and construction techniques will be encouraged within new developments. This policy is considered to be consistent with NPPF and can continue to be afforded significant weight. Due to the outline nature of the application, information pertaining to sustainability and energy is limited, however subject to any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing, the proposal would accord with the CDLP Policy U14, as well as objectives of Part 10 of the NPPF.
147. CDLP Policy U7 states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration. This policy is considered to be only partially consistent with NPPF, as national guidance provides greater detail for consideration this issue, at Part 11 of NPPF. Accordingly, reduced weight only can be afforded to CDLP Policy U7.
148. Ground Investigation Reports have been undertaken in respect of contamination on the site. The Council's Contamination Officer has been consulted and has assessed these reports, and the Officer is satisfied with the findings, concluding that there is no significant risk of land contamination. A planning condition is suggested in order to ensure that the correct methodology is employed, should any contamination become apparent during the construction phase of the development.
149. CDLP Policies R1 and R2 seek to ensure that developments incorporate sufficient amounts of open space for recreation. These Policies can now only be afforded reduced weight, due to their only partial conformity with NPPF. The more recent County Durham Open Space Needs Assessment (OSNA) is considered to be the most appropriate means of determining the levels of open space required.
150. As the application is only in outline form at this stage, it is not yet possible to determine whether sufficient open space could be provided within the site, however given the numbers of potential occupiers, it is considered likely that this would not be achievable. Ordinarily, in such situations, a financial contribution would be secured by means of a planning obligation under the requirements of Section 106 of the Town and Country Planning Act 1990, in order to improve, or provide additional open space off-site in order to meet these needs.
151. In this instance however, the location of the site within the context within the wider Mount Oswald redevelopment, means that the applicant is already providing a significant level of offsite public open space within close proximity to the site. Such areas would be easily accessible to residents, in addition to whatever level of provision was provided on site. Consequently, it is considered that in this instance, that it would not be appropriate to secure a commuted sum.
152. CDLP Policy Q15 seeks to ensure that public art is secured with development schemes wherever possible. This policy is considered to be only partially consistent with NPPF as it makes no allowance for how such installations would impact upon the viability of developments. As a result, it can only be afforded reduced weight.
153. In this instance, it has not been claimed by the developer that the viability of the proposed development would be likely to be unreasonably reduced as a result of providing public art within the development. Whilst no details are available at the

present time as to how public art could be incorporated within the overall development, this could be acceptably resolved at the Reserved Matters stage. Consequently, it is considered to secure a scheme of public art by means of a planning condition.

154. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. This is a matter which can be addressed through the proposed planning obligation.
155. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. It is recommended that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.
156. Some concern has been raised as to the lack of any financial contribution towards community facilities, it being noted that a similar proposal at Sheraton Park, did provide such a contribution. Firstly, Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this case, there is no policy basis on which to require a generic community contribution. No specific impacts been identified that can only be mitigated by this means. Consequently, it is considered that such a contribution would not meet the necessary tests, as any contribution would not be necessary to make the development acceptable, would not be directly related to the development, and would not be fair, or reasonable. Planning obligations should only be secured in order to mitigate specific impacts by a specific means. This is not the case here. It is noted that a contribution was secured as part of a similar development at Sheraton Park, however this contribution was offered by the developer, as opposed to being required, and as a result, no weight was afforded to it in the consideration of the application.

CONCLUSION

157. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the adopted local plan unless material considerations indicate otherwise. One such material consideration is the NPPF, which at Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved. This is re-iterated in Paragraph 14 of NPPF which states that development proposals that accord with the development should be approved without delay. Paragraph 14 of NPPF also includes a presumption in favour of sustainable development where the development plan is absent, silent or relevant policies are out-of-date, and indicates that a balancing exercise should be undertaken in such circumstances.

158. In this instance, it is considered that relevant CDLP policies remain up-to-date, and as a result can continue to be afforded weight insofar as they are consistent with NPPF. Accordingly, the planning balance exercise set out in Paragraph 14 of NPPF is not engaged.
159. The application is considered to be acceptable in principle, being in accordance with Policy H16 and the Interim Policy on Student Accommodation. The Interim Policy on Student Accommodation states that new PBSA should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. The planning statement submitted with the application does provide information in relation to the need for additional student accommodation based upon Durham University's most recent projected growth figures. The site is currently redundant and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. Durham University has expressed its support for the development.
160. It is considered that the proposed development would not lead to adverse harm to residential amenity in terms of noise and disturbance, subject to proper controls being in place, and these can be secured by means of planning condition. The application would therefore be in accordance with CDLP Policies Q8 and H13.
161. The scale, appearance and layout of the final development are matters reserved for future consideration, and as a result only limited assessment of the proposed development upon matters of amenity, design, and heritage impact can be carried out at this time. However, it is considered that there are no obvious barriers to the level of development proposed being acceptably achieved. Conditions are however suggested to control student numbers and the scale of development. Overall, the development is considered to be in accordance with CDLP Policies E5, E5A, E14, E15, E16, E21, E23, E24, EMP3, R1, R2, Q15, U7, U8A and U14.
162. In terms of highway safety, improvements to pedestrian infrastructure, as well as an increase to the capacity of the Park & Ride Scheme can be secured by means of planning condition and Section 106 planning obligation. Highways Officers raise no other objections to the development, which is considered to be in accordance with CDLP Policies R11, Q1, Q2, T1, T5, T10, T19, T20 and T21.
163. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards increasing capacity on the Park and Ride Scheme is considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of targeted recruitment and training is not considered to be necessary to make the development acceptable, and is offered on a voluntary basis and cannot be afforded weight.
164. Overall, as the proposed development is considered to accord with relevant policies within the CDLP, which for the purposes of this application is considered to remain up-to-date, the application is recommended for approval.

RECOMMENDATION

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

- a financial contribution of £129,260 to increase bus capacity on the Park and Ride Scheme
- a voluntary scheme of targeted recruitment and training for the construction phase,

and subject to the following conditions:

Time Outline

1. No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last 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.

No. of Beds

2. The development hereby approved shall comprise a maximum of 850 bedspaces.

Reason: To define the consent and precise number of bedspaces approved.

Scale

3. No part of the development hereby approved shall exceed four storey in height.

Reason: To define the consent and ensure that there is no significant adverse impact on heritage assets, in accordance with Policy E23 of the City of Durham Local Plan.

Plans

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

Site Location Plan HJB/PA677/380 PA01
Tree Survey Plan HJB/PA677/380 PA05
Adopted Roads and Footpaths Plan HJB/PA677/385 PA06
Movement Framework Plan HJB/PA677/380 PA07
Cross-Section HJB/PA677/380 PA08
Indicative Masterplan Layout HJB/PA677/380 PA09
Indicative Masterplan Layout – Building Heights HJB/PA677/387 PA10

Revised Surface Water Drainage Strategy and Flood Risk Assessment 7th Issue
October 2015 – Shadbolt Consulting.

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies CDLP Policies E5, E5A, E14, E15, E16, E21, E23, E24, EMP3, R1, R2, Q15, U7, U8, R11, Q1, Q2, T1, T5, T10, T19, T20, T21 and U14 of the City of Durham Local Plan.

Boundary Treatments

5. The development shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority, and have been installed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E6 and E22 of the City of Durham Local Plan.

Bin Stores

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 H13 and H16 of the City of Durham Local Plan and having regard to Part 7 of the NPPF.

Materials

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 E6 and E22 of the City of Durham Local Plan.

Engineering details of access and highway improvements

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 Q1, Q2, T1, T20 and T21 of the City of Durham Local Plan

Details of improvements to Mill Hill Lane

9. No part of the development shall be occupied until a scheme of pedestrian improvement works to Mill Hill Lane, Elvet Hill Road, and South Road has been carried out, in accordance with a scheme to be submitted to, and in approved in writing by the local planning authority.

Reason: To ensure that adequate pedestrian and cycle access to and from the site can be achieved in accordance with Policies Q1, Q2, T20 and T21 of the City of Durham Local Plan.

Contaminated Land

10. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

Tree Protection

11. 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 E5 of the City of Durham Local Plan, and Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape

12. No part of the development shall be occupied until a landscaping scheme 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: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.

13. 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: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

Site Levels

14. 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. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policies E5 and Q8 of the City of Durham Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Travel Plan

15. 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 D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Foul and surface water

16. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be in accordance with the drainage scheme contained within the submitted documents entitled "Surface Water Drainage Strategy and Flood Risk Statement" and "Foul Water Drainage Strategy" dated "December 2016", and will ensure that foul flows discharge to the foul sewer at manhole 7902, and ensure that surface water discharges to the surface water sewer downstream of manhole 6004 at a maximum restricted rate of 5 l/sec. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan. Required to be pre-commencement in order to ensure that the necessary drainage works can be carried out an early stage in construction.

Public Art

17. The development hereby approved shall not be occupied until a scheme of public art to be incorporated within the development has been submitted to and agreed in writing by the Local Planning Authority, and installed in accordance with the approved details.

Reason in the interest of the character and appearance of the development and to comply with Policy Q15 of the City of Durham Local Plan.

Embed Sustainability

18. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

Reason: To ensure that sustainability is fully embedded within the development as required by the NPPF.

Lighting Strategy

19. Prior to the operation of any lighting within 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.

Thereafter, the lighting scheme shall only be installed in accordance with the approved details, and maintained thereafter for the life of the development.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policy H13 of the City of Durham Local Plan.

Noise Mitigation

20. 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 LAm_{ax} 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: In the interests of ensuring that adequate levels of residential amenity are available to future occupiers in accordance with Policy Q8 of the City of Durham Local Plan. Required to be pre-commencement in order to ensure that existing noise levels measurements are accurate.

Ecological Mitigation

21. Any reserved matters application should include a series of measures to enhance biodiversity and mitigate the impacts of the development. Thereafter these enhancements shall be installed in accordance with the approved scheme prior to the occupation of the development, and thereafter retained and maintained.

Reason: In order to minimise impacts, and provide net gains in biodiversity in accordance with Policy Q16 of the City of Durham Local Plan and Part 11 of the NPPF.

Construction Methodology

22. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- (a) A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - (b) Details of methods and means of noise reduction
 - (c) Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - (d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 - (e) Designation, layout and design of construction access and egress points;
 - (f) Details for the provision of directional signage (on and off site);
 - (g) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - (h) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - (i) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - (j) Routing agreements for construction traffic.
 - (k) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (l) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and 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: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

23. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

Student Management Plan

24. The development hereby approved shall not be occupied until a scheme for managing the student accommodation has been submitted, and agreed in writing by the local planning authority. Such a scheme shall include details of staff levels, security

measures, liaison practices, and opening hours of recreational facilities. Thereafter, the development shall only be occupied in accordance with the approved scheme.

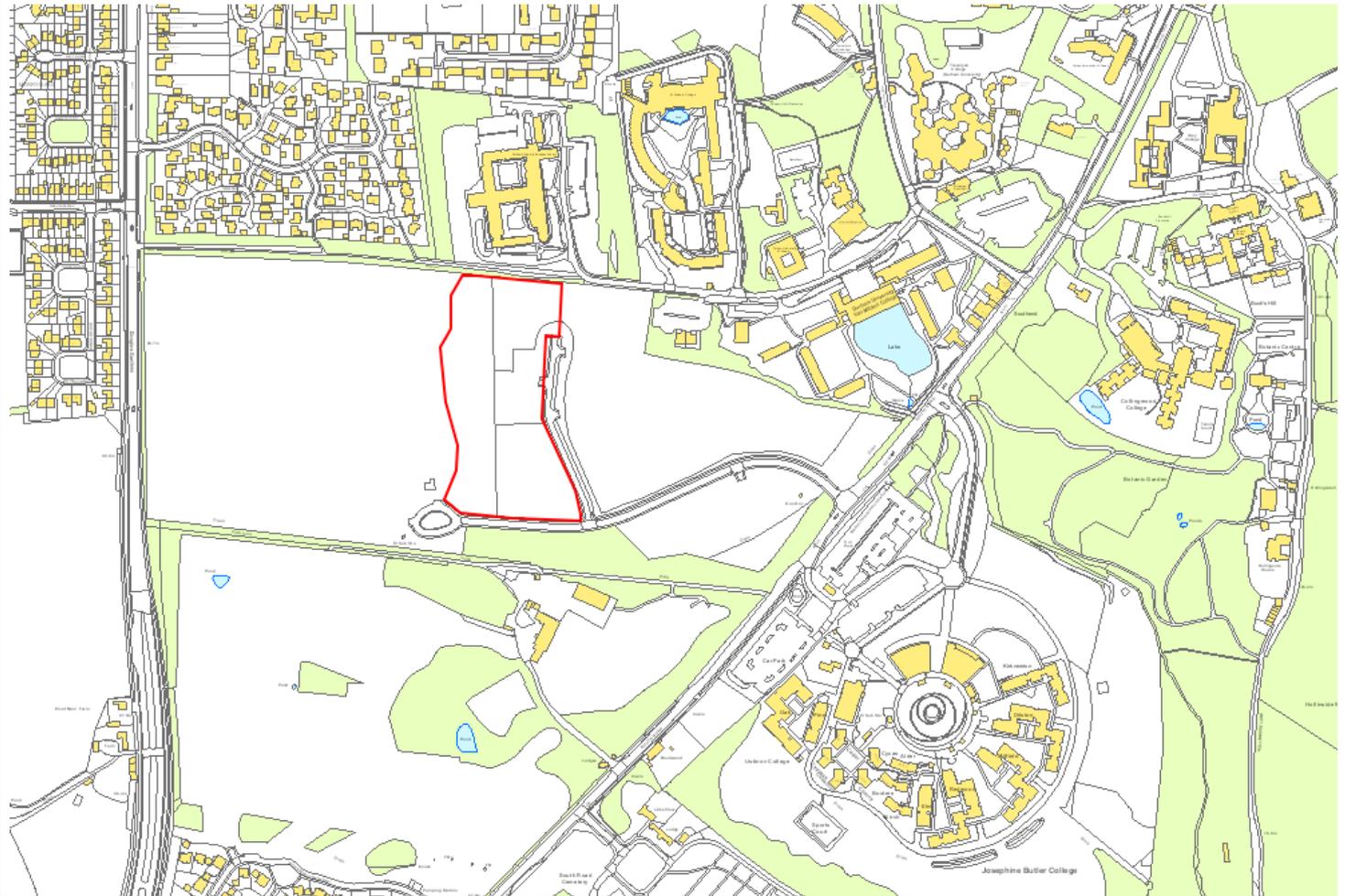
Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/16/04067/OUT

Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved, Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ.

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Comments

Date June 2017

Scale Not to scale



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NOS:	<ol style="list-style-type: none"> 1) DM/16/01129/VOC, 2) DM/16/01134/FPA , 3) DM/17/01800/FPA, 4) DM/17/01802/FPA
FULL APPLICATION DESCRIPTIONS:	<ol style="list-style-type: none"> 1) Variation of conditions no.2 (approved plans) of planning approval DM/15/00110/FPA (re-development to allow the staging of historical show) to allow changes to site layout, and design of buildings, and condition 13 (restriction of access) and removal of condition no. 9 (car park opening times). 2) Change of use of land to temporary event parking (1,400 spaces) including coach drop off area and associated infrastructure. Formation of pedestrian access to main event site. 3) Change of use of agricultural land to ecological mitigation provision. 4) Change of use of agricultural land to ecological mitigation provision.
NAME OF APPLICANT:	Anne-Isabelle Daulon, Eleven Arches Trust.
ADDRESS OF APPLICATIONS:	<ol style="list-style-type: none"> 1) Flatts Farm, Toronto, Bishop Auckland, 2) Land to the east of Red Barns and North of A689, Addison Road, Toronto, Bishop Auckland, 3) Walsh Site at site of former brickworks, North of Barrington street and A689, Toronto Bishop Auckland, 4) Land at Newton Cap to the south of Waterside Cottages.

ELECTORAL DIVISION: Bishop Auckland Town

CASE OFFICER: Steven Pilkington, Senior Planning Officer,
03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Background

1. Planning permission was granted for an open air show including associated car parking, staging facilities, outdoor seating, management offices, associated infrastructure and landscaping in July 2015 under planning reference DM/15/00110/FPA. The night show known as 'Kynren' commenced last summer and has planning permission to operate 30 days of the year although in the first year there were 15 events, limited by an entertainment licence. The Kynren show which has just recommenced for the 2016 season is a theatrical performance utilising light and music to tell the history of Britain through the eyes of the north east and is intrinsically linked to the history and heritage of Auckland Castle which is used as a back drop. The cast and crew involved in the performance and backstage running of the show is made up of volunteers drawn from the local community. Under this approval, the site was granted planning permission for the provision of 1841 onsite car parking spaces, served through a new access road down into the event site from the A689.
2. Following implementation of the original planning permission and review of operational requirements a number of changes to the site layout and design of buildings and structures became necessary to deliver the scheme from a logistical, construction and artistic related perspective. This series of planning applications seeks to regularise and secure the changes that have been carried out and the associated works that are proposed.

The Application Sites

3. The main event site (related to application DM/16/01129/VOC) is located approximately 0.5km to the north of Bishop Auckland. The 48.7ha site has been developed to provide an 8000 seat grandstand, and associated infrastructure to stage the Kynren show. The second application site (DM/16/01134/FPA) relates to a 3.8ha former agricultural field located 420m to the north west of the main event site known locally as Colliery Fields that is being used for event parking. This also includes an 0.25ha area of land adjacent to the main site entrance. The third site (DM/17/01800/FPA) known as the Walsh site is located 433m to the north of the main event site. This measures 4.01ha in area and is proposed to be used as ecological mitigation land. The fourth site (DM/17/01802/FPA) located 870m to the west of the main event site and known as Newton Cap is 15.6ha in area and also proposed for ecological mitigation land.
4. The sites lie to the north of the escarpment on which Auckland Castle (Grade 1 Listed) and Parkland (Grade II Listed), and Bishop Auckland Town Centre (Conservation Area) are located. The main event site and Newton Cap site is also situated within a designated Area of Landscape Value and the floodplain of the River Wear. Binchester Roman Fort (a Scheduled Ancient Monument) is located

approximately 140m to the north of the main event site. The Newton Cap viaduct on the western boundary is Grade II Listed while Newton Cap Bridge (also known as Skirlaw Bridge) that lies beyond is a Schedule Ancient Monument and Grade I listed.

5. A Public Right of Way (PROW) which forms part of the Weardale Way (no. 85 Bishop and Shildon), runs along the western boundary of the main event site, extending up to the Colliery Field site (PROW no. 81 Bishop and Shildon), which itself is bisected by PROW no. 86. The publicly accessible Brandon-Bishop Auckland Railway Path is located between the two sites. The main event site is accessed from the A689 just to the north of the viaduct that also serves the railway path and bridleway. The Colliery Fields and Walsh site are also served off the A689 through an established vehicular access and protected right turn. Access to the Newton Cap site is provided via an unmade access taken off the Newton Cap Bank highway.

The Proposals

6. The first planning application (DM/16/01129/VOC) seeks permission through a S.73 application to vary and remove conditions of the original planning approval. This includes the variation of condition no. 2, which listed the approved plans for the development to allow modest changes to the site layout, design of the buildings and new structures. The most significant of these arose following the discovery of a requirement for substantial engineering works to construct the approved access into the site because of land stability issues. Due to time constraints it was not possible to carry out these works before the first shows and therefore the existing access road into the site has been retained. In order to deliver sufficient car parking for the development and allow patrons to safely access the site, other land outside of the event site has been utilised for public parking while a pedestrian walkway has been created from the A689. The need to provide additional space to keep and graze horses on site that are used in the show, has also resulted in layout changes, including the addition of small structures and changes to the approved landscape masterplan and ecological mitigation strategy.
7. The layout changes also include the removal of 176 approved car parking spaces on site, creation of a new tarmac area providing 84 disabled parking spaces and a coach drop off area. Minor amendments have also been undertaken to the layout and design of the previously approved buildings, fencing, lake, and substations. Most of these changes were undertaken either prior to the first show or in the close season that followed and this application therefore seeks consent for works that have been implemented.
8. Permission is also sought to remove condition 9 which imposed a limit on the opening times of the car park for highway network congestion purposes. The application also proposes to vary condition 13 which restricted vehicular access, except in an emergency, onto the C133 via Gormer Terrace. The applicant seeks permission to run a shuttle bus out of this entrance should the need arise.
9. The second planning application (DM/16/01134/FPA) located on Colliery Fields, seeks retrospective planning permission to use the land for temporary event parking (approx. 1,400 spaces) including coach drop off area and associated infrastructure. A small network of gravelled roads have been formed to provide access to grass parking areas along with localised regrading of the land and some vegetation

clearance. It is intended that the car park would be used for a maximum of 45 days in a calendar year to serve the main site when events are taking place and as potential overspill parking should an event happen within the town centre. Part of this application site adjoins the main event site and includes a parcel of land that contains part of the constructed pedestrian link from the A689 and access. This land is currently within Council ownership and previously formed part of a small public car park which has been re provided to the entrance of the site.

10. The third (DM/17/01800/FPA) and fourth (DM/17/01802/FPA) planning applications relate to a change in use of agricultural land to provide ecological mitigation. This is to partly offset the ecological mitigation that would have been provided on the main event site, prior to the layout and land use changes (principally the keeping and grazing of horses). The ecological mitigation measures within these areas principally consist of managing the land as grassland, planting of hedgerows, formation of wetland ponds and maintenance of the riparian corridor along the river corridor.
11. The development project as a whole is identified as being EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and an Environmental Statement and Addendum has been submitted in support of the applications. The S.73 planning application is being reported to Planning Committee at the request of Cllr Zair, whilst the remainder applications fall under the scope of the Strategic Planning Committee due to their site area.

PLANNING HISTORY

12. The site has planning history dating back to the late 1980's when planning permission was granted for a new farm house and alterations to existing buildings to form holiday cottages. Subsequent approvals were granted in 2002, 2004, 2006 and 2007 for a golf complex that culminated in the provision of an 18 hole course, driving range, club house and facilities and 24 holiday homes. The consent for the provision of the 24no. Holiday homes, on the site was renewed in 2011 but expired in 2104 having not been implemented.
13. Planning permission was granted in 2015 for the re-development of the existing golf course to facilitate the staging of a seasonal historical show, including associated car parking area, staging facilities, outdoor seating, management offices and associated infrastructure and landscaping. This permission has been implemented on the main site.
14. A series of applications to discharge planning conditions on that consent have been approved.
15. Planning permissions have also been granted for the change of use of the buildings on site to provide office and visitor facilities for the development the demolition of a 1960's bungalow and erection of a temporary office building and increase in the number of lighting towers around the main stage but at a reduced height.
16. On the Colliery Fields site there is no relevant planning history, however a hedgerow removal notice to remove 54m of hedgerow was approved.
17. Planning applications that were linked to the current modifications involving the formation of an additional car parking area for up to 450 cars on a site within Toronto, and on land at Newton Cap were subsequently withdrawn by the applicant.

PLANNING POLICY

NATIONAL POLICY

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report.
20. *Part 1 – 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.
21. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
22. *Part 7 – Requiring Good Design.* 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.
23. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
24. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

25. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
26. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to these application is the practice guidance with regards to; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; light pollution; natural environment; noise, 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:

Wear Valley District Local Plan 1997 (WVDLP)

28. *Policy GD1 - General Development Criteria* - Identifies that all new development and redevelopment within the District should be designed and built to a high standard. and contribute to the character and appearance of the area. It states that permission will be granted provided it meets certain development criteria as appropriate. This includes having regard to the setting of landscape features, not have a detrimental impact on the landscape quality of the surrounding area, not disturb or conflict with adjoining uses, avoid damage to important wildlife habitats, not cause significant pollution to the environment in terms of noise, not be located on a identified floodplain or areas at risk of flooding, provide save access to the site and adequate parking facilities and not create unacceptable levels of traffic which exceed the capacity of the local road network.
29. *Policy ENV1 - Protection of the Countryside* - Set out that the Council will seek to protect and enhance the countryside of Wear Valley. Development will only be

allowed for the purpose of agriculture, farm diversification, forestry or outdoor recreation.

30. *Policy ENV3 - Areas of Landscape Value* - Sets out that development will not be allowed which adversely affects the special landscape character conservation interests and appearance of the Area of Landscape Value.
31. *Policy ENV4 – Historic Parkland Landscapes* – Identifies that within the areas of landscape value the Council will protect and enhance the historic parkland landscapes at Auckland Castle Park. Development will not be allowed which will detract from the special historic character, landscape qualities and nature conservation interests of the park.
32. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
33. *Policy BE4 - Setting of a Listed Building* - Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
34. *Policy BE5 – Conservation Areas* – sets out that the character of Conservation Areas will be protected from inappropriate development.
35. *Policy BE8 – Setting of a Conservation Area* – Sets out that development which impact on the setting of a Conservation Area and which adversely affects townscape qualities, landscape or historical character will not be allowed.
36. *Policy BE15 – Scheduled Ancient Monuments* – Sets out that planning permission will not be granted for development which would have an adverse effect on scheduled ancient monuments and their setting.
37. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
38. *Policy BE20 – Conversion of Buildings in the Countryside* - Sets out that the conversion of buildings in the countryside for small scale employment uses, holiday accommodation, recreational uses and new rural enterprises will be permitted provided the building is capable of conversion without substantial alteration, would not cause an unacceptable loss of amenity for neighbouring land users and would preserved nature conservation interests.
39. *Policy TM1 – Criteria for Tourist Proposals* – States that the Council will encourage schemes which provide tourism facilities provided that are of a scale and intensity compatible with their surroundings, can be absorbed into the landscape, safeguard nature conservation interests, can be accessed safely, adequate parking facilities are provided and the scale of the development does not affect the amenities of local residents.
40. *Policy T1 - General Policy, Highways* - All developments which generate additional traffic will be required to fulfil Policy GD1 and : provide adequate access to the

developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

Emerging Plan:

41. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Historic England* – No comments are offered in relation to these current applications advising that they should be determined in accordance with national and local policy guidance, and on the basis of the Council’s specialist conservation advice. In the original application it was identified that the proposal lies just below the escarpment on which Auckland Castle and Park and Bishop Auckland are situated, and where the settlement historically and presently gives way to the broad rural landscape of the Wear Valley. It was advised that this relationship helps to define and appreciate the significance of the castle as a grade I listed building, the park as a grade II* registered park and garden and the northern edge of the town as part of the Bishop Auckland Conservation Area. It was advised that the proposal would weaken this relationship by partially urbanising this prominent piece of land and in doing so the significance of these heritage assets is harmed. Whilst recognising the ambition and exciting vision of the proposal, the harm to the significance of heritage assets needs to be acknowledged and considered in the planning process. In line with section 134 of the National Planning Policy Framework the harm caused to the significance of heritage assets needs to be weighed against the potential public benefits of the proposal. It was advised that this was the balanced judgement that needed to be made in determining the application and that the economic and social promise of the proposal should be adequately scrutinised in order to test the level of benefit.
43. *Highways Agency* – No objections are raised to the proposal to remove the condition in relation to the opening hours of the car park (condition 9), providing a review mechanism is introduced to assess how the developed impacts on the A1(M). The Agency had previously advised that in order to minimise disruption on the A1(M) Motorway conditions should be attached to any planning permission to control the opening times of car parks on site to 1930 and the limiting of the capacity of the venue to 8000 visitors.

44. *Highway Authority* – In relation to the revised applications, advise that an Event Traffic Management Plan has been produced by the applicant in order to satisfy the conditions on the original approval. Subject to the implementation of this traffic management plan it is considered that traffic would be able to access the event with minimising disruption to the local area. It is recommended that most of the highways conditions on the original approval are condensed into one condition requiring an event traffic management plan to be submitted and reviewed on an annual basis.
45. *Natural England* – No comment received in relation to the current applications. Previously it was advised that the proposal was unlikely to affect any statutorily protected sites or landscapes although it was noted that the development includes areas of priority habitat, as listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. It was highlighted that the National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for the loss then planning permission should be refused.’ No advice was offered in respect to protected species.
46. *Northumbria Gardens Trust* – No comments received in relation to these revised applications. In commenting on the original application concerns were raised regarding the scale of the tribune (grandstand) design of other buildings and the extent of development and the serious damage this would cause to the views of the park and its wider borrowed landscape from along the northern edge of the castle. It was acknowledged that assessing the potential benefits of the development is a complicated judgement and outside of the remit of the Northumbria Gardens Trust.
47. *Coal Authority* – In relation to the Colliery Fields site advised that there is a low risk of land instability associated with historic coal mining activity. However in line with the applicant’s Coal mining risk assessment it is recommended that further intrusive investigations should be carried out, to be secured by condition. The condition relating to land stability on the original application has been discharged.
48. *Weardale Ramblers Association* – Offer no objections on these applications although previously concerns were raised regarding the diversion of the Public Right of Way and improved connectivity into the wider right of way network.
49. *Bishop Auckland Town Council* – No comments have been received in relation to these applications. Support was previously offered for the Eleven Arches Project which would create a major visitor destination of regional, national and international significance highlighting and for the economic, cultural and social benefits it will bring to the town and surrounding area.

INTERNAL CONSULTEE RESPONSES:

50. *Environmental Health and Consumer Protection (Noise Action Team)*- Advise that following the original granting of planning permission an entertainment licence was approved for the site. This sets out specific noise levels the show must adhere to including management processes and permits up to 17 shows in 2017 increasing to a maximum of 18 in 2018 onwards. Sound monitoring undertaken in the 2016 event season confirms that the noise levels at the show are within agreed noise limits

subject to further refining work associated with the fireworks at the end of the show which has now been agreed.

51. In relation to the revised planning applications, it is advised that the amendment to proposed car parking hours would not have an adverse impact as they are significantly removed from nearby noise sensitive receptors and a more gradual arrival timeframe for visitors reduces the impact on properties near the access roads. In relation to the proposal to allow access onto Newton Cap bank for a shuttle bus, it is advised that as this entrance passes in very close proximity to a residential terrace it could have a negative impact and given the likely low noise level in this area due to the general absence of traffic. It is advised that consideration should be given to the regular passing of vehicles along this entrance during late night/early morning is likely to lead to a negative impact on the residents. It is advised that restrictions should be put in place in relation to this impact.
52. In relation to the use of the Colliery Fields site and based on the worst case scenario it is considered that the noise level at the nearest noise sensitive dwellings would be unlikely to lead to disturbed sleep, particularly in comparison to the approved situation. The main pedestrian route back from site is a significant distance from the nearest noise sensitive receptors and most of the car park area is also at substantial distance. Although some voices would be audible outside the nearest noise sensitive receptor, these are considered not to have a significant impact on the traffic related noise climate. It is also considered that noise level from traffic movements on the carriageway will be the dominant noise source. Concerns are raised regarding the potential for diesel generators to be used for lighting purposes. It is recommended that this element should be controlled by a condition requiring a management plan to be submitted and approved on an annual basis.
53. *Ecology Section* – Advise that the principle of offsite mitigation for the ecology impacts of the development is sound. The two sites identified are considered suitable for offsite mitigation and the submitted mitigation strategies are considered a solid set of proposals for long term ecological enhancement for specific faunal groups and habitat types. It is advised that the application will result in a net loss of biodiversity, especially as there has been a loss of early successional brownfield land and the associated invertebrate fauna, a loss of a population of dingy skipper and a lighting scheme that does not meet the previously conditioned layout and lighting levels. It is advised that a more extensive area of land given over to the off-site compensation and a single cohesive area that concentrated on the riparian corridor of the River Wear would have been more preferable. Each of the off-site mitigation sites will require a detailed 25 yr. management plan, which should be submitted within one month of the granting of any planning permission to be controlled by condition. The condition for a 25yr management plan for each site should ensure inclusion of a program of monitoring (botanical, bats, breeding birds) on both sites in years 1 (2018 baseline), 2, 3, 4, 7, 10, 15, 20 and 25 and annual butterfly surveys at Walsh for the first five years to assess the value and delivery for dingy skipper and meadow butterflies.
54. Previously advised that the development would result in the loss of a significant area of foraging habitat for badgers along with the possible loss of a sett, disturbance to other setts and the displacement of badgers from the site onto the nearby road. It was advised that this is contrary to guidance and planning policy which suggests that there should be no loss of foraging habitat and no increase in the risk of road kill.

55. It was advised that the site is also used by a diverse assemblage of local bats, with 8 out of the 10 bats species recorded in the County being found on site. The bat surveys show that an important foraging area will be lost to the development and although mitigation is proposed through habitat creation it would not be effective for a decade or so. The applicant's ecologist has attempted to quantify the disturbance effects of the light and sound show but the results still indicate a significant displacement effect. Although this is limited to 30 nights per annum as the nights are bunched into the summer feeding and breeding season resulting in a delay in the emergence time of bats from roosts on and near the site. Although there would be a residual impact on local bats this would not have a negative impact on the conservation status of the species.
56. *Design and Historic Environment Section* – No objection in relation to the new applications, advising that the impact on the setting of adjacent designated assets as a result of the built development, parking provision and its design is broadly equivalent to that previously approved.
57. *Landscape Section* – No objections are raised to the variation application, as the majority of changes to the site layout would not bring significant changes to the landscape and visual effects compared to the approved development. It is however highlighted that the new pedestrian access from the A689 involves substantial modification to the natural topography of the west of the site. It is advised that the submitted landscaping scheme would be visually assimilated through a mosaic of grassland scrub and woodland similar to its former character although this would take some time to fully establish. In relation to the Colliery Fields application it is advised that the permanent features of the development, principally the stoned tracks, would be small in scale and not intrusive in wider views. Car parking, vehicle movements and lighting would be more visible in some views but would be of a temporary and intermittent nature. The ecological mitigation proposed at the Newton Cap Site would result in the delivery of linear hedged fields on the river floodplain which is not entirely characteristic of enclosure patterns on the floodplain. However the field pattern would go with the grain of existing boundaries and would provide an attractive enrichment of the local landscape.
58. *Spatial Policy* – No comments received in relation to these applications. In the original application it was advised that there were no in principle policy objections to the location of the proposal beyond the built up framework of Bishop Auckland subject to landscape comments being favourable. The socio economic benefits of the scheme are apparent. However, the acceptability of the overall scheme is dependent on the finer detail according with the policies detailed from an environmental perspective in terms of ecology, residential amenity and heritage assets.
59. *Environmental Health and Consumer Protection (Air Quality Officer)* – Advise that whilst the development would increase the traffic volume on the highway network in peak times, it is considered that this would not likely significantly impact on the annual mean objective of air quality. It is advised that it would be unlikely that the traffic from the car parks would exceed 1hr target limit for nitrogen dioxide and carbon dioxide levels due to the number of vehicles involved and the location of the site. Notwithstanding this there is provision within the relevant legislation that allows a number of exceedance exceptions.

60. *Environmental Health and Consumer Protection (Contaminated Land Section)* – After assessing historical maps with respect to land contamination along with the Phase 2 Site Investigation it is advised that there is no requirement further investigative works and the risk of contaminants being present on site is low.
61. *Archaeology Section* – Advise that the work undertaken to facilitate the new car park would have been unlikely to impact on any significant archaeology remains given the limited engineering work involved and shallow depths of excavation.
62. *Drainage and Coastal Protection Team* – Advise that an appropriate surface water drainage scheme has been approved in the discharge of condition on the original permission. This limits discharge rates to greenfield run off rate. No objection is raised in relation to the new car parking site as the run off rates will be similar to the existing due to the significant amount of permeable areas.
63. *Regeneration and Economic Development* – No comments in relation to these applications but support was offered in the original application, highlighting the likely economic and regeneration benefits to Bishop Auckland through increased visitor number and opportunities to support local businesses. The developer was encouraged to enter into a targeted recruitment and training programme to secure local employment opportunities
64. *Rights of Way Section* – No objections to the proposed diversion of the Public Rights of Way but highlight that surface improvements would be expected.

EXTERNAL NON STATUTORY CONSULTEE RESPONSES:

65. *Bishop Auckland Civic Society* – No comments received in relation to these applications. Support was offered to the original application which was considered to represent a unique opportunity for Bishop Auckland that should be embraced because of the potential for regenerating the local and regional economy.
66. *Durham Badger Group* – No comments received in relation to these applications. Those made on the original application highlighted the high importance of the site for badgers and the loss of a main foraging ground due to construction work, increased human pressure and the operation of the site. It was suggested that there would not be any mitigation that could be proposed that retain the badgers on the site. The proposal was not considered to accord with paragraph p.118 of the NPPF.
67. *Northumbrian Water Limited* – Offer no comments on the revised applications. No objections were made on the original application provided that the development was carried out in accordance with the Flood Risk Assessment.
68. *Visit County Durham* - No comments on the revised applications. In principle support was given to the original application in view of the scale of investment within the visitor economy. It was considered that the proposal had the potential to be an economic benefit for Bishop Auckland and the surrounding hinterland and visitor economy and with increased overnight stays and tourism revenue across the county.

PUBLIC RESPONSES:

69. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents on each individual application. The responses received on each are as follows:

DM/16/01129/VOC – Variation to main permission 37 Objections 3 letters of support

DM/16/01134/FPA – Colliery Site parking – 40 Objections

DM/17/01800/FPA - Ecological Mitigation Walsh Site – 2 Objection

DM/17/01802/FPA - Ecological Mitigation Newton Cap Site- 2 Objection

70. Many of the representations received cover issues across all sites and therefore for clarity have been grouped together as below. A significant proportion of objectors also requested that their previous comments in relation to the original application be carried over to these applications.

71. Objections:-

Traffic/Highway Safety

- The proposed secondary access is inadequate to accommodate additional traffic or pedestrians. No access should be taken onto the C188.
- The intended mitigation measures are considered inadequate, volunteers do not have training and are unable to enforce on the highway. Proper traffic management will need to be brought in to manage the event.
- The site is not considered sustainable given the distance to walk from the town centre, location of bus stops and train stations. Public transport does not run effectively around start and finish times. The development would significantly increase car journeys.
- The length of time it would take visitors to exist the site is unacceptable and this would put pressures upon residential areas which would serve as overflow parking as people would be likely to park in residential areas.
- Traffic impact on Toronto and Skirlaw Bridge.
- Residual traffic impacts through the town centre, a cumulative impact should be carried out.

Noise Impact

- The submitted noise assessment is considered flawed, due to the limited background readings taken and assumptions made on how sound will travel. It does however highlight there will be an impact on surrounding residents due to the noise, frequency, timings and nature of the show.
- There is an underestimation of the noise levels on site
- The show will likely breach acceptable noise limits set out by the World Health Organisation which raises the possibility of a significant effect on human health.
- The noise impact will extend to Toronto and the Market Place and further afield and will also affect other leisure businesses such as cafes and pubs.
- No assessment of road traffic noise has been undertaken.
- Other outdoor events have restrictions to limit noise levels to 5db above background. The proposal will significantly exceed this and noise will also likely exceed statutory nuisance levels
- Rehearsals and use of PA equipment should be limited to certain times
- Concerns are raised regarding potential vibration impact caused by the development.
- The car parking sites would not empty until approximately 1.45am due to the distance to the main site causing disruption and disturbance.

- The closure of the A689 and diversion through Toronto will add to congestion and increase noise.
- The Council should undertake noise monitoring at the site and surrounding areas.
- Noise and lighting impact from the proposed car parking areas. Viable alternatives are available, including park and ride options.

Ecology

- The conclusions made in the submitted ecology report are based on insufficient evidence, and are questioned particularly in relation to the amount of Otters, Butterflies and the failure to identify the site as a Durham Biodiversity Action Plan habitat.
- 8 species of bat have been recorded which are a European protected species. Although mitigation is proposed there will be an impact on the species, particularly on foraging areas and disturbance by human activities.
- The development of this site will fragment interconnecting areas of habitat while noise and lighting has the potential to adversely effect species
- The legal framework around protected species is highlighted and concerns are raised that the development would contravene this.
- The lighting levels particularly on the car park will also impact on bats including insects such as moths.
- The lighting assessment has ignored the impact on birds and there are general concerns about impacts on ground nesting birds.
- Insufficient assessment of ecology matters has been made on the revised applications.
- Ecological mitigation should be provided on site

Landscape and visual amenity

- The development is not in keeping with the Wear Valley Area of Landscape Conservation or the Durham Coalfield Pennine fringe Landscape Character area as designated by Natural England
- The development, particular the car park and grandstand will have a significant and inappropriate impact on this undeveloped site.
- Views will be significant from a range of heritage assets including Auckland Castle and Binchester Fort will be impacted upon. The development will detract from views of these and the viaduct in the landscape. This will reduce the enjoyment of the countryside and remove the sense of openness urbanising the countryside
- The development will conflict with policies of the local and emerging plan in this respect by detracting from the significance of heritage assets.
- A cumulative impact should be carried out.

Flooding and drainage and land stability

- The development is located within flood zone 3 where the NPPF seeks to limit development
- The Flood Risk Assessment which has been submitted is inadequate to support the conclusions which have been made.
- This assumes that there is no impact from the car park while flood volume of the area will be reduced.
- The soil composition does not allow infiltration and storm water will reach the river quickly and cause downstream and localised flooding particularly if

connected to the sewer system where there are capacity issues. This will also change peak river flows.

- The river meanders and will change its course impacting on the development
- The additional weight of parked cars and the built development will cause land stability issues particularly in proximity to coal seams.

Economic and social impact

- Limited job opportunities are actually provided and these are likely to go to specialists from outside of the area. Job conversion from volunteering to permanent employment is unlikely.
- Wider social and community cohesion is not considered a material planning consideration.
- The mass movement of people in and out of the area will not support Bishop Auckland. The emphasis on arrival by car means that Bishop Auckland may be bypassed by the majority of visitors. An example of this is the Locomotion in Shildon
- The development does not integrate with the retail offer of Bishop Auckland and competition would be provided to existing businesses by the facilities on site.
- This development conflicts with nature conservation, heritage and other kinds of visitor experience.
- The French example is provided in an entirely different context, more connected to the rest of Europe, it operates within wider open space and is not imposing on local business or the local community.
- The negative issues associated with the development may detract from the offer.

Other Issues

- Even with the proposed mitigation measures the proposal will impact on local residents due to the lighting levels. These will exceed statutory nuisance levels. Concerns are also raised regarding light spillage into the night sky.
- The development is likely to exacerbate anti social behaviour which exists under the old bridge and along the river bank and will act as a focal point for disturbance,
- Part of the site is in council ownership and therefore there is a conflict of interest in determining this application
- Concerns are raised regarding the availability of information on the Council's website and the level of consultation undertaken is inadequate
- It is unclear whether the public right of way is being diverted or not
- Concerns are raised regarding the lack of renewable energy integration and the lack of a waste management plan
- The loss of eight houses could be viewed as insignificant but it is still a loss
- Although key sectors of the community have been engaged with the proposal, the developer has not engaged with residents who will be severely impacted on by the proposal
- Concerns are raised regarding the requirement for the Council to contribute to improving transport infrastructure for the event
- Impact on value on homes
- Concerns are raised regarding the extent of the consultation exercise.
- The economic benefit of the proposals are questioned.
- Concerns are raised regarding the lack of enforcement action by the council.
- Concerns are raised regarding the conclusions of the Environmental Impact Assessment and that the submission does not cover all material considerations.

- The lack of further coal mining risk assessment on the Colliery Fields site is highlighted.

72. Support:-

- Whilst the impacts of the development are appreciated the benefits to future generations of Bishop Auckland should not be dismissed.
- The development will bring vital jobs.
- There are already high levels of traffic within the town centre and beyond.

73. *CPRE* – Highlight that local residents have been adversely impacted by the revised car parking proposals during the previous event season; it is considered that the applications make no proposals to address previous issues. It is noted that additional car parking is proposed, however there remains a significant number of spaces on site which should be used first.

APPLICANTS STATEMENT

74. Eleven Arches is a registered charity with the objective to produce a world class historical show, the foundation of which is an innovative and engaging arts, education and community development programme. Eleven Arches is a catalyst and driver of change which will dramatically shift the paradigm of the North East, by adding a national tourist destination to the region that delivers tangible, measurable, significant social and economic impact. On 2 July 2016, Eleven Arches produced and presented the first season of 'Kynren an epic tale of England', an open-air summer spectacular on monumental scale, inspired by the Opening Ceremony of London 2012 and templated from the award-winning Cinéscénie produced by Puy du Fou in France. Orchestrated by a 1,500 volunteers, Kynren offers an enthralling family entertainment for all ages.

75. 'Kynren' (family, generation in old anglo-saxon) is a fitting name for our story that is about a heritage that spans centuries. Generations of volunteers will be involved over decades to come in bringing this show to audiences of all ages. We added the K because it is the strong letter of King, and kin.

76. The site was purchased by the Auckland Castle Trust in 2012 to provide a seamless addition to the castle experience to a wider audience, away from the historically and ecologically sensitive setting of the Park itself. Eleven Arches was set up as a sister charity to Auckland Castle Trust to further the development of the site, and support the creation of an international tourist destination in Bishop Auckland, a new engine for economic growth.

PUBLIC BENEFIT

Tourism, a new engine for growth

77. Eleven Arches' mission is to produce Kynren as a world-class show, to be a 'trip attractor', encouraging overnight visits to County Durham and bringing tourism-related expenditure, capital investment and jobs. It is the overnight visitors who make a significant difference to the regional economy: while day trippers typically spend £19 per day, overnight visitors are likely to spend £157, a driver for the creation of jobs. Offsite tourism expenditure around Kynren is expected to be in the

region of £4.75million per annum, and that will be compounded by what is spent at other attractions when visitors build a short or long-stay around the show.

78. In our inaugural season, we sold more than 100,000 tickets; a whopping 23% of our visitors came from outside the North East. We welcomed visitors from all over the UK and all over the world; from the USA to China, from South Africa to the Middle East. In 2017, we will stage 17 shows, with an expected footfall of 136,000, with 18 planned for 2018 and beyond, attracting up to 144,000 visitors to Bishop Auckland each season.

Community development and Education

79. Like Puy du Fou, Kynren is not-for-profit; as a registered charity, Eleven Arches is committed to education and community development. We endeavor to professionally train all our volunteers each year in the key skills needed to produce a world-class show to ensure its longevity for decades to come. The full impact of being an Archer is of course individual to each one. However, based on the extensive research we commissioned after the first season, over 85% of our volunteers feel they have developed new skills thanks to their Kynren experience, from production related skills to softer skills, improving their quality of life and their own pathways to success in their professional and personal lives: teamwork, communication with people from all walks of life, self-confidence, commitment, persistence.
80. Of great significance has been the forging of new friendships – from developing a wider social group and having more fun, to deep, personal friendships which have dispelled loneliness, isolation or grief. Kynren has given our volunteers a sense of belonging, an appreciation of the importance of being part of a community; they feel great pride in what has been achieved through Kynren, both on and off stage, and their contribution to creating a better future for Bishop Auckland.
81. What makes Kynren so special is the multi-generational nature of our volunteers. Entire families have joined in, with grandparents, parents and children all getting involved and finding their Kynren experience bonds them in a way few other leisure interests can. Kynren is a timeless reminder of the tremendous contribution the North East made to the history of the nation. It contributes to raising awareness of matters of historical importance at local, regional and national level with our audience and with our volunteers.

SUSTAINABILITY

82. Kynren was created thanks to an initial £35m investment, funded entirely by charitable donations, used for the infrastructure of the site and the show area, and creating, producing, operating and marketing the show in its first year. From 2017 onwards, we operate on the previous year's proceeds. However, the production of world class arts is an ongoing journey. Profits from tickets and merchandise sales flow back to the charity to reinvest in the show and keep it at its best. Yet we must continually increase the skill level for our volunteers to make this show the success it must be. There is a critical need for additional funds to train more people in more skills each year, to create extraordinary with ordinary people, to sustain the long-lasting social and economic regeneration loop we sparked from inception.
83. In 2016, the community around Bishop Auckland made history, and it now thrives on its renewed sense of belonging, pride and purpose. Kynren is truly an inspiration for

participants and visitors alike. The backstage of Kynren showcases a vibrant community with a soul, humility, positivity, warmth, dedication and professionalism. Eleven Arches has delivered the first stepping stone of a bold and unconventional regeneration mission in the North East, an example of a work of arts underpinned by an innovative and engaging education and community development programme.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application files which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

84. Permission is sought through section 73 of the Town and County Planning Act to vary and remove conditions of planning application DM/15/00110/DM for operational reasons. In this type of application the Local Planning Authority must have due regard to the development plan and other material considerations. However the original permission will continue to subsist whatever the outcome of the S.73 application and the authority can only consider the matter of the variation of conditions. The approving of this application would in effect grant a new permission which would run in tandem with the original subject to any change to the conditions in question.
85. 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 Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, landscape and visual impact, impact on the historic environment, highway safety, impact on residential amenity, ecology, flooding and other issues.

The Principle of Development

86. The principle of developing the site for tourism proposals was established under the original planning application for the site, DM/15/00110/FPA. This approval has been implemented, the site is operational and the first events took place from July 2016. In considering the original application it was recognised that saved policy TM1 (criteria for tourist proposals) of the Wear Valley District Local Plan (WVDLP) provided support in principle for tourism related schemes and facilities, including those outside of defined settlement limits provided the development was compatible with its surroundings in terms of its scale and intensity, can be absorbed into the landscape, was adequately accessed with an appropriate level of car parking and protected the amenities of local residents.
87. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. In this respect it was considered that the general approach of policy TM1 in setting a framework to assess tourism proposals was largely consistent with the NPPF whilst recognising that the NPPF policy in relation to tourism proposals is less prescriptive. Significant weight was therefore

afforded to this policy, this remains the case in the consideration of the amended applications.

88. In addition to policy TM1 of the WVDLP was also previously recognised that the NPPF sets out a presumption in favour of sustainable development. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. In assessing the development against the economic and social elements of sustainable development, it was concluded that the development represented a rare opportunity to secure a major privately funded visitor attraction without comparison in the region. It was also concluded that the potential attraction of a significant number of visitors would provide an opportunity to help invigorate the town which has suffered a decline over the recent years. The attraction of a significant amount of visitors has the potential to increase spending in the local economy. Whilst full time seasonal work would be limited, a range of other jobs would be created and from a social perspective the focus on volunteers and partnership with local institutions also has the potential to increase social inclusion and community empowerment. The proposal has strong linkages to other development proposals associated with Auckland Castle being brought forward and would contribute to these as a related attraction and financially as part of the provision of a sustainable visitor programme for Bishop Auckland. Detail consideration was given to the specific impacts of the social and environmental impacts of the development in the sustainable development planning balance.
89. The additional car park and proposed ecological mitigation, involve matters that are related to the main use of the site and necessary to facilitate the delivery of the wider development proposals. It is therefore considered that in principle the formation of the car park and change of use of agricultural land is acceptable in principle as set out in policy TM1 of the WVDLP, subject to a detailed analysis of the impact of this elements.

Landscape and visual impact

90. The main event site and the Newton Cap site lie within an Area of Landscape Value as designated by saved policy ENV3 of the WVDLP. This states that development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of areas of landscape value. Saved policy GD1 of the local plan also seeks to avoid a detrimental impact on areas of landscape quality. The site also lies adjacent to Auckland Park which is identified on English Heritage's Register of Parks and Gardens of National Interest (grade II*) and saved policy EV4 seeks to protect and enhance the historic parkland of Auckland Castle Park. These policies are considered consistent with part 11 of the NPPF which aims to protect and enhance valued landscapes. Significant weight was therefore afforded to these in the determination of the original application. This remains the case in these new applications.
91. WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals for agricultural or compatible uses as permitted by Local Plan policies. This Policy is considered only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore can only be afforded moderate weight.
92. Detailed consideration was given to the impacts of the development in the original planning application. Based on the advice of the Council's Landscape Section and

Design and Conservation Section, it was concluded that in wider views the visible elements of the proposals would appear as small features in visually complex views of a settled landscape. However, the effect on the character of the area immediately north of Bishop Auckland, the valley slopes overlooking the floodplain and the special landscape qualities of Auckland Castle Park would be more pronounced. It was accepted that the potential effects of the proposal had been addressed as far as possible through the detailed design and mitigation proposals contained in the Landscape Strategy. Although these would become progressively more effective as planting becomes established given the moderate longer term landscape impacts the scheme would still be considered to conflict with policies ENV1, ENV3, GD1 and ENV4 to a level that would need to be outweighed by other material considerations.

93. In relation to the S.73 planning application a revised landscape masterplan and detailed planting schedule have been submitted taking into account the site layout changes. In reviewing the proposed landscape strategy and mitigation and following amendments to the submitted information the Council's Landscape Officer advises that the majority of the proposed alterations are minor in nature and would not bring significant changes to the landscape and visual effects of the approved development over and above the existing approval.
94. The most notable element of the revised development is the new pedestrian access from the A698 which has involved substantial modification to the natural topography of the steep bluffs in the west of the site. This is considered to be an important feature of the local landscape and visible in views across the floodplain from the east. In assessing the visual impact of this element of the scheme, it is advised that the route has been chosen relatively well to exploit the shape of the local terrain, although areas of cut and fill would remain conspicuous as engineered modifications. Much of the pre-existing scrub has also been removed to facilitate this along with a block of young woodland on the section of the former tip west of the site entrance. However, it is considered that the detailed planting schedule would in time help assimilate the modified landform into the landscape. It is also advised that areas of disabled parking on the site surfaced with tarmac rather than stabilised grass or gravel are visible in relatively shallow views, although on balance not overly conspicuous.
95. In relation to the visual impact of the proposed car park at colliery fields, the Landscape officer advises that the permanent features of the development, including the stoned tracks, are not intrusive in wider views. Whilst the car parking itself and associated lighting are more visible in some views these are of a temporary and intermittent nature. Consequently there is not considered to be a significant effect on the character of the local landscape, and mitigation through the replanting and reinforcing of hedgerow would help reduce any residual impact.
96. The proposed ecological mitigation on the Newton Cap Site would entail the development of a series of linear hedged fields on the river floodplain. Whilst it is felt that this is not entirely characteristic of enclosure patterns on the floodplain, the landscape officer considers that the field pattern would go with the grain of existing boundaries and provide an attractive enrichment of the local landscape. Taken in the round the proposals would have a positive effect on the character and quality of the AHLV. The mitigation planting at the Walsh site would be confined to the proximity of the field boundaries and overall would have a positive effect on the immediate landscape.

97. As limited information has been submitted at this stage regarding the maintenance and phasing of the landscape planting, a conditional approach to detail this is recommended.
98. Overall in line with the advice of the Council's Landscape Officer and to subject to implementation of the detailed landscape mitigation, it is considered that both the amended and proposed development would not have significant impacts over and above that approved in the original planning permission. It is considered that there would not be negative cumulative impact as a result of the development. However as the development as a whole does result in moderate longer term landscape impacts and conflicts with policies ENV1, ENV3, GD1 and ENV4 these would need to be outweighed by other material considerations, in line with the original application.

Impact on the Historic Environment

99. Local Plan Policies BE1, BE4 and BE5 seek to preserve the historic environment, particularly the character and appearance of Conservation Areas and the setting of Listed Buildings. These policies reflect the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having regard to the desirability of preserving the special interest of listed buildings which has considerable weight and importance. These policies are also considered generally compliant with the NPPF which seeks to conserve or enhance heritage assets in a manner appropriate to their significance. However sections 132 to 134 of the NPPF states that where there is harm it must be demonstrated that the development is necessary to achieve substantial public benefits. When harm is of a lesser degree, then a proposal should only be accepted with a proportionally strong level of public benefit. Given the slightly more flexible assessment in the NPPF moderate weight was therefore afforded to these policies in the determination of the original application. This remains the case in these new applications.
100. In the original consideration of these matters it was identified that the main heritage assets were the Grade I listed Auckland Castle, Auckland Park a Grade II* registered parkland with formal and functional gardens immediately around the Castle. the Bishop Auckland Conservation Area to the south of the site, Binchester Roman Fort situated to the north east of the site a Scheduled Ancient Monument, the Newton Cap Viaduct, a Grade II listed structure located to the south west of the site and the Newton Cap Bridge a Grade I listed structure and a scheduled ancient monument.
101. In assessing the impact on the heritage assets both English Heritage(now Historic England) and the Council's Design and Conservation Team advised that the impact on the setting of the designated assets would primarily result from the change in the character of the land and relationship between the built structures. Furthermore it was highlighted that the views from the Northern edge of the Conservation Area would be dominated by the proposed car parking layouts and to a lesser extent the performance related structures. Whilst acknowledging the proposed landscape mitigation measures once mature would have some effect in reducing the impact of certain parts of the physical development it was concluded that it would be impossible to effectively screen these elements entirely and the proposal would cause harm to the significance of the castle, park and conservation area. Nevertheless the level of harm was considered less than substantial for purposes of the NPPF and would be outweighed by the public benefit in the planning balance.

102. In line with advice from the Council's Design and Conservation Section, the changes introduced to the site layout are considered to have minimal impact on the heritage assets. Although the landform and escarpment on the western boundary of the site has been modified the proposed mitigation outlined above would reduce the impact of this element of the development. The variation of condition no. 13 to allow shuttle bus access onto Newton Cap Bank was also highlighted because of the potential impact on the scheduled ancient monument of Newton Cap Bridge. Following confirmation from the Highways Authority (which has maintenance responsibility for the bridge) that it is structurally capable of accommodating additional flows associated with the shuttle bus and any diverted traffic around event closure, the Design and Conservation Section offer no objection on the basis that there are mechanisms to restrict flows to single lane width. Historic England offer no comments on the revised scheme. Other than glimpses in wider landscape views the car parking at the Colliery Fields site does not have a significant impact on any heritage asset.
103. The original planning permission and subsequent amendment to increase the number of lighting towers included a planning condition (no.5) requiring the dismantling of the lighting towers outside of event period. This was to allow the Authority to review their visual impact implications. Having done so both the Council's Design and Conservation and Landscape Section consider that the permanent retention of the lighting towers would not have a significant impact on the historic environment and landscape given their scale and profile. It is therefore recommended that planning condition 5 be removed.
104. Overall, as advised by the Council's Design and Conservation and Landscape Sections the modifications to the event site and car parking arrangements have had minimal affect on the historic environment. Whilst the proposals still conflict with local plan policies in that there would be some harm to heritage assets these policies do not entirely accord with the NPPF in terms of identifying the level of harm or in giving weight to public benefit in the planning balance. Subject to being satisfied on issues surrounding the substantial public benefits arising from the development it is still considered that the heritage impacts can be accommodated and there would not be negative cumulative impact as a result of the development.

Highway Safety

105. Saved Local Plan Policy T1 requires that development proposals achieve a satisfactory means of access to the wider highway network, while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy GD1 of the local plan also seeks to locate developments in accessible locations that can be reached by a range of transport methods. These policies are considered consistent with the NPPF, which also seeks to promote sustainable transport options and safe and suitable access. Full weight was therefore afforded to the policies in the determination of the original application. This remains the case in these new applications.
106. The approved scheme proposed to improve the existing access to the site in terms of its realignment with the A689 and increased width to allow simultaneous entry and exit to the event site and proposed parking area of 1,841 parking spaces. Additional parking spaces were proposed, in both private and public ownership within the town centre. It was also intended to introduce a traffic management

system to implement a temporary reduction in the speed limit on the A689 around the site together with temporary traffic lights at the access to regulate traffic flow. An existing access to the site under the Newton Cap viaduct was proposed to be restricted for emergency vehicles only. This meant that vehicular and pedestrian access would be confined to the access off the A689. This arrangement and proposed mechanisms to secure its operation were covered by a number of conditions on the planning approval including the requirement for the production of a traffic management plan and provision of appropriate infrastructure.

107. Following the development of the traffic management strategy and in light of associated construction issues around the implementation of works the applicant reconsidered the access and parking arrangements. As a result the maximum amount of onsite car parking has been reduced from 1841 spaces to 1665 spaces and the existing access road has been incorporated into the scheme along with its realignment onto the A689. Although the site would have a maximum parking capacity of 1665 the Event Traffic Management Plan for this year's event sets out that onsite parking would be restricted for the use of volunteers, visitors with restricted mobility and VIP's (approx 540) with the remainder of the spaces unused. This is due to the constraints of the access road that if used fully for visitor parking it is likely to result in significant delays in exiting the site. The applicant wishes to retain the parking areas on site in order to retain a degree of future flexibility and or utilise in extreme circumstances. However in order to ensure that sufficient car parking is provided to serve the event, approx.1400 spaces would be available on the Colliery Field site to the north west of the main event site in a similar way to the previous year. Visitors utilising this car parking would access the event site by an existing surfaced footpath from this car park via the Brandon-Bishop Auckland Railway Path and then down into the site via the constructed pedestrian access path. Car parks within the town centre are also proposed to be utilised alongside park and ride facilities further afield.
108. A Transport Assessment (TA) was submitted with the original planning application and the Highway Authority advised that the proposed site access improvements and likely traffic generation were acceptable. This was subject to the implementation of a signal control junction in event time along with the submission of a proposed park and ride scheme, off site car parking, appropriate onsite parking management and the implementation of a signing and road user information strategy. The Highways Agency also raised no objection from its perspective advising that the proposal would not adversely impact on the strategic road network, providing the capacity of the venue is limited to 8000 visitors and the car park is not open to patrons before 7.30pm. Overall it was concluded that the development would not adversely impact on the highway safety of the surrounding road network.
109. In relation to the changes to the car parking and access arrangements detailed in these planning applications the Highway Authority advise that an Event Traffic Management Plan has been produced in order to satisfy the conditions on the original approval and under Highways legislation obligations. The Event Traffic Management Plan sets out the approach to directing visitors along separate routes depending on the point of origin to avoid major residential and urban areas. To facilitate arriving event traffic the town centre carparks are used in the first instance with a shuttle bus services provided for people to reach the event site. In order to prevent queuing adjacent to the event site, vehicles which have been directed to use the Colliery Fields carpark would be prevented from turning right into the site from the A689 and directed to travel to the Toronto roundabout and approach the carpark

from the north. This banned turn would not affect the proposed shuttle bus services which would still be able to directly access the site. Similarly vehicles accessing the Colliery Field site would have to approach from the north via the Toronto Roundabout. In order to ensure the safety of people of the A689 the road would be subject to a 40 mph speed limit, an overtaking restriction and a no-stopping restriction.

110. A similar signage strategy would be employed for vehicles leaving the event to the various destinations. In order to ensure that vehicles both arriving and leaving the event do not cause problems in the town centre the two sets of traffic lights at Kingsway and Newgate Street would be manually controlled. From the Colliery Field site exiting traffic would be able to travel in either direction although the southbound traffic will be subject to further control to allow the coordination with traffic leaving the event site.
111. In appraising the Event Traffic Management Plan the Highways Authority advise that in pure visitor numbers the Kynren is considered to be small-to-medium sized event and the car parking provided in the identified locations currently exceeds the evidenced parking requirement. It is also advised that the event would occur when background traffic is at a minimum. Providing the event traffic is managed properly it would not have a significant effect on the local road network. It is accepted that some disruption is inevitable as a result of necessary planned road closures and a permanent traffic regulation order has been introduced in surrounding residential streets to restrict parking to local permit holders only. The financing of the permit distribution is via an annual contribution paid by the developer as part of a S 106 agreement. This obligation would need to be carried forward in any subsequent variation to the existing consent through a deed of variation. Based on the advice of the Highways Authority and following the successful operation of the event last year from the traffic perspective it is considered that the event would be served by an appropriate means of access and would have an acceptable impact on the wider highway network in accordance with policies GDP1 and T1 of the WVDLP and Part 4 of the NPPF and there would not be negative cumulative impact as a result of the development
112. The existing planning permission has a number of conditions relating to parking and traffic management. Some of these conditions are no longer relevant such as Condition no.10 (detail of highway works) as the highway engineering works have now been undertaken to the satisfaction of the Highway Authority. In addition the Highway Authority advise that other conditions such as the requirement to submit an event traffic management plan (condition no. 11), temporary signage and car park operational details (condition no.12) would be better served under one condition reviewed on an yearly basis. As an event of this nature is likely to evolve this would allow both the applicant and the Council flexibility to review and address issues as they arise, it is proposed that these conditions be updated accordingly.
113. Condition 9 prevented the car park on the main site opening before 7.30pm and was initially requested by Highways England with a view to reducing the risk of additional traffic using the strategic highway network during periods of existing congestion. From its perspective the Highways Authority advise that the condition would be counterproductive in terms of concentrating traffic into a reduced time period as travel and arrival times to the carpark are not necessarily linked. It is advised that the likely outcome of this condition would be to cause a nuisance to local residents as people arriving for the event are displaced into residential areas until the carparks

open. Following reconsideration of this matter Highway England states that providing the impact of the event on its strategic network is reviewed and considered in future versions of the event traffic management plan condition no.9 can be removed. No queuing issues associated with last year's events on the strategic highway network have been reported.

114. Condition 13 restricts vehicular the access to the site from the C188 (Newton Cap Bank) for emergency access only. The applicant seeks permission to vary this condition to allow access/exit for a shuttle bus from the C188 when for operational reasons this primary site access could be utilised. This has not been required in any event to date and is not expected to be a regular occurrence. The Highway Authority offers no objections to this proposal, and would retain a degree of control over the use of this access through the proposed event traffic management plan condition.
115. Condition 14 of the original planning permission required the appointment of a Travel Plan coordinator and the submission of a travel plan. However on reflection as advised by the Highways Authority this would be of no benefit either in terms of highway safety or sustainable travel and can be covered under the Event Traffic Management Plan. It is recommended that this condition be removed.

Impact on residential amenity.

116. Local Plan Policy GD1 of the WVDLP highlights that developments should protect the amenities of neighbouring uses. This is replicated in terms of tourism proposals within policy TM1 of the WVDLP. Part 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at risk from unacceptable levels of pollution. These policies are considered to be consistent with the NPPF and were afforded significant weight in the determination of the original planning application. This remains the case in these applications.

Noise

117. Part 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at risk from unacceptable levels of noise pollution. Paragraph 123 indicates that planning decisions should aim to avoid noise giving rise to significant adverse impact on health and quality of life. It is also expected that measures will be taken where necessary to mitigate and reduce to any adverse noise related impacts to a minimum.
118. More detailed guidance contained within the NPPG states that consideration should be given to whether or not a significant adverse noise effect would occur in associated with new development. In considering the original planning application Members recognised that while the event would likely give rise to significant changes in the noise profile of the area which could have a significant impact on surrounding residents, this included the impact of traffic dispersal within the town centre associated with the event. These would be outweighed in the planning balance by the benefits of the scheme. This approach was consistent with that of the NPPG and NPPF which state that noise impacts should not be considered in isolation of all the dimensions of sustainable development in the planning balance.

119. Following this approval the applicant was granted an entertainment licence for up to 15 shows in 2016 rising to 18 in 2018. As part of the licensing regime sound limits have been placed on the show. Monitoring has been carried out at shows that have taken place by Environmental Health officers and this has confirmed that the noise levels generated are below those anticipated in the consideration of original planning application, and as specified in the event licence.
120. The current planning applications do not propose to change the number of approved shows or the finishing time of 11pm. The Council's Environmental Health Unit advise that the amendment to the proposed car parking hours would not have a significant impact as it is removed (a minimum of 280m) from nearby noise sensitive receptors and a more gradual arrival is likely to reduce the impact on properties near the access roads. In relation to the proposed use of the access onto Newton Cap bank for a shuttle bus, it is advised that this could have a negative impact as the entrance passes adjacent to a residential terrace. As this area currently experiences low noise levels due to the general absence of traffic it is considered that the regular passing of vehicles along this entrance late at night is likely to lead to a negative impact on the residents. It is considered that the only method of mitigating this impact is by limiting the number of occasions that when use the access is allowed. A condition to control this is therefore recommended should the need to operate a shuttle bus arise. The applicant advises that this is not expected to be a regular occurrence and likely limited to extreme events.
121. Objections have been raised by local residents in relation to a potential loss of residential amenity given the proximity of car parking to dwellings at Colliery Fields. In response to this matter the Council's Environmental Health Section advise that based on the worst case scenario, noise levels from impulse noise such as slamming of car doors at the nearest dwelling, is likely to be less than the peak noise threshold within relevant guidance (BS 8233). This guidance is utilised by the Council for assessment of the impact of night time "high noise events" It is therefore advised that "impulse" noise from the car park is unlikely to lead to disturbed sleep. Complaints were received and investigated by environmental health officers during the first shows last year. However it was concluded that a statutory nuisance impact had not arisen.
122. In relation to other noise, such as the chatter of people returning to the cars, it is noted that the main route back from site is a significant distance from the nearest noise sensitive receptor. The majority of the car park is also at further distance with the nearest point being 50m across the A689 which also features a landscape buffer. The Environmental Health Section advise although some voices would be audible, this would be unlikely to cause a significant impact, as observed on site during monitoring of the first shows.
123. In the events that have taken place in the previous season and factoring in the distance from the tribune, the Colliery Field car park has been emptied by 12.30am. Given the timing of these exit activities and associated traffic movements it is acknowledged that there will be some inherent disturbance for local residents. However the Environmental Health Section advise that although noise from traffic associated with the event alters the existing noise climate, this is not significantly greater than the expected impact of traffic using the A689 associated with the original scheme. The main site has planning permission for 30 events (currently limited to 18 through licensing). Planning permission is sought to use this land for parking for up to 45 days to allow rehearsals and to accommodate additional parking

for potential events in the Town Centre. Whilst the use of the car park on an increased number of occasions would increase the impact of development on local residents this is intended to allow some flexibility in the nature and level of use around the events and is not considered unacceptable in the overall planning balance. Issues raised by Environmental Health regarding the potential for diesel generators to be used for lighting purposes and associated potential noise impact can be controlled by planning condition as part of a management plan in relation to use of mobile plant and it is recommended that this be included. A condition limiting the use of the site for car parking for 45 days is also proposed.

124. Objections have been received advising that it is necessary to undertake a new noise impact assessment to fully assess the impact from the car park on the residents of Toronto. The Environmental Health Section consider that this is unnecessary and would not significantly add to the consideration of the specific impact. Data from previous assessments, provides information on the noise level which can be expected from activities on site and has been considered which has been supplemented by on site observations and monitoring when the event was operational. It is concluded from this that in overall terms the development would not result in a significant negative cumulative noise impact .

Light

125. Part 11 of the NPPF requires that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The NPPG also contains advice for Local Planning Authorities dealing with planning applications where light pollution could occur. In determining the original application it was identified that light pollution has the potential to cause annoyance to people, create harm to wildlife, undermine the enjoyment of the countryside and detract from the night sky. However the submitted Lighting Assessment indicated the main lighting would be focussed on the stage area using a number of localised lighting sources and tower based floodlights. It was concluded that although some loss of residential amenity would be likely to arise during these periods it was not considered that it these impacts would be significant enough to warrant refusal of the application on these grounds.
126. A subsequent planning approval increased the number of lighting towers but reduced their height. This has had the benefit of helping to prevent unwanted light spill as there is a smaller area for each light. to cover. This change has generally achieved the same lighting levels with a more acute angle and lower intensity luminaire.
127. Concerns have been raised regarding a loss of amenity and nuisance caused by headlights from vehicles shining into adjacent residential properties as they leave the site Whilst this cannot be ruled out entirely, there is a landscape buffer up to a 5m wide between the site and adjacent residents which would screen out most of any of direct light. In addition given the departure times it is not unreasonable to expect that most residents are likely to have the curtains closed on bedroom windows.
128. In terms of overall assessment the show is now operational and the noise levels have been shown to lower than anticipated at the time of the determination of the original planning application. These are controlled through the entertainment site licence, under the licensing regime. It is considered that the change in opening time

of the car parks would not adversely increase the noise and disturbance associated with the site. Although the proposed operation of a shuttle bus out onto the C188 has the potential to impact on the level of residential amenity of the residents of Gormer Terrace subject to controlling the frequency of use of this access through condition, it is considered that this loss of amenity would not be sufficient to warrant refusal of the planning application. In relation to the proposed car park, the dominant noise source is likely to be related to traffic movements. However this is not considered to be significantly greater than the approved scheme which established the principle of increased car movements later in the night, including that through the town centre any beyond. Whilst the development would likely lead to some increased loss of residential amenity for some local residents, conflicting with policy GD1 and TM1 of the Local Plan this would be limited in the context of the original permission and it is considered there would not be negative cumulative impact as a result of the development. The impacts of the scheme need to be considered in the wider planning balance assessment of the development.

Ecology

129. Part 11 of the NPPF recognises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. Planning decisions should aim to maintain, enhance, restore or add to biodiversity and conservation interests. The impact of a development on protected species is also a material planning consideration when reaching planning decisions. Policy GD1 seeks to ensure that development proposals do not endanger or damage important wildlife habitats or have a detrimental on ecology. This policy is considered consistent with the NPPF and was afforded significant weight in the determination of the planning application. This remains the case in these applications.
130. In support of the original planning application a range of ecology surveys were submitted to record the presence of plant/animal species and habits assess the likely ecological impacts and necessary mitigation.
131. It was concluded that the proposal would result in the loss of a significant area of foraging habitat for badgers along with the possible loss of a sett, disturbance to other setts and the displacement of badgers from the site. This was contrary to guidance and planning policy which suggests there should be no loss of foraging habitat and no increase in the risk of road kill and therefore most of the existing population could be lost. This would be locally significant in terms of the site although it was acknowledged that within the wider context of County Durham there is a healthy and well spread population that is not under threat as a species.
132. It was advised that the site was also used by a range of local bats, with 8 out of the 10 bats species recorded in the County being found on site. The bat surveys showed that an important foraging area would be lost to the development and despite proposed mitigation through habitat creation it would not be effective for a decade or so. It was also indicated that there would be some disturbance and displacement due to the effects of the light and sound show on bats resulting in a delay in the emergence time of bats from roosts on and near the site. Although there would be a residual impact on local bats it was concluded that this would not have a negative impact on the conservation status of the species.

133. Under the requirements of the Conservation of Habitats & Species Regulations 2010 (as amended) it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. In considering the merits of the scheme, following the carrying out of additional survey work the 'derogation tests' were applied and it was concluded that these tests would be met and that Natural England is likely to grant a protected species licence enabling the Council to satisfy its obligations under the Conservation of Habitats and Species Regulations 2010 (as amended) and planning requirements under paragraphs 118, 119 of the NPPF. Subsequently Natural England granted a protected species licence and relevant works have been completed.
134. An ecology mitigation strategy was developed to help offset the ecological impact of the development, whilst acknowledging there would be a residual impact. This included the maintenance of brownfield habitats, and the set aside of significant a portion of land within the development site for ecological enhancement and creation purposes. Following the amendment to the site layout and changes since the planning approval, this strategy has had to be amended, to accommodate these modifications and by the need to graze the show horses on site during the event season, which is incompatible with the mitigation strategy. Therefore in order to ensure that the development can mitigate its impact it is proposed to utilise additional land for habitat creation and biodiversity enhancement.
135. In reviewing the revised strategy, including the mitigation proposed on additional parcels of land, the Councils Ecology Section advise that the principle of offsite mitigation for the ecology impacts of the development is sound. It is also advised that the two sites identified are considered suitable for offsite mitigation and the submitted mitigation strategies are considered a solid set of proposals for long term ecological enhancement for specific faunal groups and habitat types. It is identified that that the application would result in a net loss of biodiversity, especially as there has been a loss of early successional brownfield land and the associated invertebrate fauna, a loss of a population of dingy skipper and a lighting scheme that does not meet the previously conditioned layout and lighting levels. A more extensive area of land given over to the off-site compensation and a single cohesive area that concentrated on the riparian corridor of the River Wear would have been more preferable. This loss in biodiversity would need to be considered in the planning balance.
136. In order to secure delivery of the ecology mitigation each of the off-site mitigation sites will require a detailed 25 years management plan, which should be submitted within one month of the granting of any planning permission to be controlled by condition. The management plan for each site would also need to ensure the inclusion of a program of monitoring (botanical, bats, breeding birds) on both sites in years 1 (2018 baseline), 2, 3, 4, 7, 10, 15, 20 and 25 and annual butterfly surveys at Walsh for the first five years to assess the value and delivery for dingy skipper and meadow butterflies. The delivery of this mitigation (an implementation of relevant planning applications) would also need to be secured by a S106 agreement.
137. Whilst the level of ecological mitigation proposed would in overall terms fall below that previously secured in the original application this is considered to be at a level sufficient to mitigate the impacts of the development. However as. This would be contrary to the objectives of paragraph 109 of the NPPF as it would not result in a net biodiversity gain, although this in itself is not a reason to refuse the application, but a matter that needs to be considered in the planning balance.

Flooding

138. The overall aim of Part 10 of the NPPF in considering flooding issues is to steer new development to areas within flood zone 1 which have the least risk of flooding. Where there are no reasonable sites within flood zone 1 for a proposed development Local Planning Authorities should take account of the flood risk vulnerability of land uses. Inappropriate development in areas at risk of flooding should be avoided but where it is necessary it should be made safe, does not give rise to increased flooding elsewhere and is informed by appropriate assessments.
139. The application site is generally low lying and close to the river and areas within it the covered by the higher flood zone categories. This includes the locations of one of the car parks and stables the existing buildings on the main event site. These are located within flood zone 2. In addition the tribune and stage are located within flood zone 3b which is part of the functional floodplain. Because water has to flow or be stored in times of flood in these areas only water compatible uses including outdoor recreation facilities are considered acceptable. The proposed tribune and stage area falls under this classification as confirmed by the Environment Agency in the previous application, it was concluded that the proposed development would meet the test of the NPPF in this respect.
140. The required site specific Flood Risk Assessment (FRA) that was submitted, modelled flood risk on the site and the potential resultant impact downstream. The FRA concluded that the flood water storage volumes on site would be increased due to the remodelling of parts of the site to create landscape bunding. The proposed layout of the site also ensured that flows would not be impeded and the minor changes to the site layout do not affect this matter. A number of mitigation measures were proposed including the siting of sensitive equipment above 1 in 100 flood levels and the incorporation of permeable surfaces. This has been adopted in the built scheme and the drainage strategy approved under a discharge of condition in relation to the original application. The proposed amendments do not affect the previous assessment of flooding risk and appropriate mitigation detailed. No objection is raised in relation to the new car parking site as the run off rates will be similar to the existing land use due to the significant amount of permeable areas.

Other Issues

141. Part of the application site lies within a High Risk Coal Mining Referral Area due to the presence of coal seams and a Coal Mining Risk Assessment was submitted as part of the original application. This indicated that it is likely that the site has been subject to previous coal mining activity and recommended a programme of investigation and mitigation to confirm the absence or otherwise of historic workings and appropriate mitigation measures, secured by condition. This further survey work has now been undertaken and agreed on the main event site. In relation to the Colliery Fields site, due to the nature of the development it is advised by the Coal Authority that there is a low risk of land stability issues associated with historic coal mining activity. However in line with the applicants Coal Mining Risk Assessment further intrusive investigations should be carried out, to be secured by condition.
142. The Council's Archaeology Section previously advised that that the development would have a limited impact on archaeological assets. Previous evaluation prior to the development of the site as a golf course found no archaeological features or

deposits. The previous redevelopment as a golf course involved considerable landscaping which would have sterilised the site further from an archaeological perspective. In relation to the current applications it is advised that photographic recording of the extant farm buildings has been undertaken in order to discharge the relevant condition of the original planning approval. It is advised that the work undertaken to facilitate the new car park would have been unlikely to impact on any significant archaeology remains given the limited engineering work involved and the limited depths of excavation.

143. NPPF paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Given the implemented planning permission on the main event site (and its previous non-agricultural use) consideration of this matter is only required on the remaining application sites, which cumulatively would result in the loss 19.4ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Given the lack of assessment it cannot be determined whether the agricultural land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
144. In this instance it is considered that the amount of agricultural land 19.4 to be lost is less than significant. Furthermore, it is considered that the loss of land would not undermine the ability of remaining agricultural land surrounding the site to be effectively farmed while all but the event site could be put back into a productive agricultural use should the development cease. However this is still considered an adverse impact in the event that the land is best and most versatile which needs to be considered the planning balance.
145. The development would increase the traffic volume on the highway network in peak times, particularly around event closure times. The Councils Environmental Health and Consumer Protection (Air Quality Officer) advised that this increase in traffic would not likely significantly impact on the annual mean objective of air quality due to the volume of traffic and frequency of events. Furthermore it is advised that it would be unlikely that the traffic from the car parks would exceed 1hr target limit for nitrogen dioxide and carbon dioxide levels due to the number of vehicles involved and the relatively exposed nature of the sites. Notwithstanding this it is advised that this legislation allows a number of exceedance exceptions. In relation to objections relating to the potential health impacts of event workers in relation to air quality, it is considered that this matter is covered by other primary legislation and is enforced by the Health and Safety Executive.
146. Consideration does need to be given to the retrospective nature of elements of the development. Case law sets out the purpose of the EU Environmental Impact Assessment Directive is to give the public the chance to participate at the earliest appropriate stage in environmental decision-making. The risk of that being circumvented arises, especially where any environmental impacts are irreversible. For this reason the courts have said that the grant of retrospective planning permission in respect of an EIA development is permissible under the Directive only where there are "exceptional circumstances". In this instance the applicant suggests that the exceptional circumstances are based around the need to undertake the

work retrospectively to facilitate the delivery of the show and to secure the wider economic and social benefits highlighted. On balance this is considered a reasonable justification in line with the main planning decisions on site already taken on the site.

Planning Balance.

147. Saved policy TM1 of the WVDLP encourages the tourism proposals within the area subject to a number of criteria in relation to the impacts of the development and providing the development would not conflict with other development plan policies. It is identified that while the development fulfils the aims of policy TM1 it would conflict with policies ENV1, ENV3, GD1 and ENV4 and BE1, BE4 and BE5 due to the landscape and heritage impact. However 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. The NPPF a key material consideration. The planning balance test should therefore be carried out in this context.

Benefits

148. The scheme is considered to contribute significantly to the local and regional economy both in the provision of a tourist attraction of regional significance and provision of an economic boost within an area that would benefit from further economic growth and regeneration. The scheme further compliments existing and emerging visitor attraction offers in Bishop Auckland.
149. The scheme has provided opportunities for local people and children and teenagers in particular, to participate in the shows and receive necessary training. The proposal has helped to improve social inclusion and cohesion through community involvement in the scheme at various levels.

Impacts

150. The development as a whole results in moderate longer term landscape impacts and conflicts with policies ENV1, ENV3, GD1 and ENV4. However this impact is not considered greater than that established under the previous planning permission subject to the implementation of the detailed mitigation.
151. The cumulative development results in harm to surrounding heritage assets contrary to WVDLP policies BE1, BE4 and BE5. However this harm is considered to be less than substantial, and at a similar level to that established in the original application.
152. The development results in a residual ecological impact greater than the approved scheme as a net biodiversity gain would not be achieved. However the cumulative impact of the development would not result in significant harm, particularly to protected species. The offsite mitigation proposed would be provided in a cohesive form ensuring its long-term delivery.
153. The development results in a residual impact on the level of residential amenity experienced by local residents, however as observed this impact is considered comparable to the established impact of the implemented planning permission and not resulting in a significant negative cumulative impact. However there remains a

degree of conflict with local plan policies in that there would be a reduction in the level of residential amenity experienced by local residents, through the operation of the show as a whole.

154. Loss of agricultural land would arise (19.4ha) however this should not be considered an adverse impact even in the event that the land is best and most versatile. Whilst all but the main event site could be put back into agricultural use should the use cease.

CONCLUSION

155. Planning permission has previously been granted for the Kynren Development, this permission has been implemented and the show has taken place for 15 events to date whilst 17 events are scheduled for the 2017 season. These applications seek to regularise changes to the original planning permission which have arisen for operational logistical, construction and artistic related reasons.
156. Although policy TM1 of the Local Plan offers support in principle for the development it is identified the changes would still result in a degree of landscape and heritage harm with a degree of conflict with WVDLP policies ENV1, ENV3, GD1 and ENV4 and BE1, BE4 and BE5. However this impact is considered minimal over and above the established impact of the implemented planning permission as advised by relevant consultees.
157. Since approval of the original application the show has been developed further and the noise levels generated are below those anticipated in the consideration of original planning application. On the advice of the Council's Environmental Health Section the proposed car parking would not have a significant impact over and above that established by the original approval or resulting in a significant negative cumulative impact. However there remains a degree of conflict with local plan policies in that there would be a reduction in the level of residential amenity experienced by local residents, through the operation of the event site as a whole. This impact has been established.
158. When considered in the sustainable development planning balance test (recognising the economic, environmental and social dimensions of sustainable development) it is considered that identified benefits of the development as a whole would outweigh the impacts and the conflict with WVDLP. Whilst in line with the original permission the identified heritage harm is considered to be outweighed against the identified public benefits satisfying the tests of paragraph 134 of the NPPF.
159. Paragraph 204 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. The matters specified are that the obligation requirements are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards car parking enforcement is considered necessary for the development to be considered acceptable and therefore meet the relevant tests.
160. The proposals have generated a good degree public interest and comment with letters of objection and a smaller number in support having been received. Concerns

expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits

RECOMMENDATION

That the application DM/16/01129/VOC is **Approved** subject to entering into a section 106 legal agreement to secure the provision of :-

- An annual parking contribution of £4340 towards the administration of traffic and parking measures associated with the events.
- A Parking contribution of £307 per event.
- The implementation of applications DM/17/01800/FPA and DM/17/01802/FPA to deliver ecological mitigation.

And the following conditions:-

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

Masterplan 14-2000-S73-11 Rev G

Landscape Strategy 878/01 Rev G

Detailed Landscaping Scheme drawings:

- 878(PL)_Z_01 – *Planting Schedule Rev C*
- 878(PL)_Z1_01 *Detailed Planting (Zone 1-Sheet 1) Rev B*
- 878(PL)_Z1_02 *Detailed Planting (Zone 1-Sheet 2) Rev C*
- 878(PL)_Z1_03 *Detailed Planting (Zone 1-Sheet 3) Rev B*
- 878(PL)_Z1_04 *Detailed Planting (Zone 1-Sheet 4) Rev C*
- 878(PL)_Z1_05 *Detailed Planting (Zone 1-Sheet 5) Rev C*
- 878(PL)_Z2_01 *Detailed Planting (Zone 2-Sheet 1) Rev A*
- 878(PL)_Z3_01 *Detailed Planting (Zone 3-Sheet 1) Rev B*
- 878(PL)_Z3_02 *Detailed Planting (Zone 3-Sheet 2) Rev A*
- 878(PL)_Z4_01 *Detailed Planting (Zone 4-Sheet 1) Rev A*
- 878(PL)_Z4_02 *Detailed Planting (Zone 4-Sheet 2) Rev A*
- 878(PL)_Z4_03 *Detailed Planting (Zone 4-Sheet 3) Rev B*
- 878(PL)_Z4_04 *Detailed Planting (Zone 4-Sheet 4) Rev A*
- 878(PL)_Z4_05 *Detailed Planting (Zone 4-Sheet 5) Rev A*
- 878(PL)_Z5_01 *Detailed Planting (Zone 5-Sheet 1) Rev C*
- 878(PL)_Z5_02 *Detailed Planting (Zone 5-Sheet 2) Rev C*
- 878(PL)_Z5_03 *Detailed Planting (Zone 5-Sheet 3) Rev A*
- 878(PL)_Z5_04 *Detailed Planting (Zone 5-Sheet 4) Rev B*
- 878(PL)_Z7_01 *Detailed Planting (Zone 7-Sheet 1) Rev C*
- 878(PL)_Z7_02 *Detailed Planting (Zone 7-Sheet 2) Rev C*
- 878(PL)_Z7_03 *Detailed Planting (Zone 7-Sheet 3) Rev C*
- 878(PL)_Z7_04 *Detailed Planting (Zone 7-Sheet 4) Rev C*

- 878(PL)_Z-01 Planning Schedule REV A

Floor plans and elevations:

- *14-2000-41E-Tribune Plans*
- *14-2000-43E-Stage Right GA*
- *14-2000-44D-Stage Left GA*
- *14-2000-45D-Stage Left GA*
- *14-2000-51E-Stables*
- *14-2000-52E-Club House-Costume*
- *14-2000-56B-Manege*
- *14-2000-91D-Access control-Sub-station*
- *14-2000-92J-Technical Room 1*
- *14-2000-94G-Show Area Sub-Station*
- *14-2000-95J-Technical Room 2*
- *90121-0001-000 Tribune Ladies Rev E*
- *90121-0001-001 Tribune Gents rev E*
- *90121-0001-002 Tribune Double Rev E*
- *90121-0001-005 Car Park Ladies Rev E*
- *90121-0001-006 Car Park Gents Rev E*
- *14-2000-57A-Training Building*
- *14-2000-58A-Horse Walker*

Main access road plan 152045-SK-067-P1

Reason: In order to define the consent and to ensure an appropriate development in accordance with policies GDP1 and TM1 of the Wear Valley District Local Plan

2. The number of shows hereby approved shall not exceed 30 in any calendar year.

Reason: In order to define the consent and in the interests of residential amenity in accordance with policy GDP1 of the Wear Valley District Local Plan.

3. The event capacity of the site shall not exceed 8000 visitors.

Reason: In order to define the consent and in the interests of highway safety in accordance with policies GDP1 and T1 of the Wear Valley Local Plan.

4. Within a period of 2 months from the date of this permission a detailed landscaping implementation and management strategy to deliver the hereby approved landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details and timings.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1, ENV1 and ENV3 of the Wear Valley District Local Plan.

5. In the event of the show hereby approved ceases for a period of more than 20 months from the date of the last show, a remediation strategy shall be submitted for approval in writing by the Local Planning Authority within two months from that date. The strategy shall detail the method and timing of the removal of built structures on site. The strategy shall thereafter be implemented following its approval.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1, ENV1 and ENV3 of the Wear Valley District Local Plan.

6. Prior the first show in any calendar year an Event Traffic Management Plan should be submitted for the series of shows in that calendar year. The Event Traffic Management shall include:-

- Details of additional car parks within the Town Centre to provide off-site parking.
- Details of any applicable combined ticketing arrangements agreed with off-site parking operators.
- Details of any park and ride scheme.
- Details of the operation of any shuttle buses from the site, including frequency and exit routes.

The Event Traffic Management Plan shall be implemented in accordance with the approved details thereafter.

Reason: - In the interests of highway safety in accordance with policies GD1 and T1 of the Wear Valley District Local Plan

7. No vehicular access shall be taken from or on to the C188 (Newton Cap Bank) other than in an emergency or for the operation of a shuttle bus in accordance with the Event Traffic Management Plan approved under condition no. 6.

Reason: - In the interests of highway safety in accordance with policies GD1 and T1 of the Wear Valley District Local Plan

8. No development shall take place unless in strict accordance with the mitigation detailed in the Ecological Mitigation detailed in section 6 of the Environmental Statement Addendum 2017.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

9. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) by JBA of February 2015 (final report) and the following mitigation measures detailed within the FRA:

- Provision for the protection and maintenance of existing flood defences will be provided.
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven and the soffit level of the access boardwalk is agreed with the Local Planning Authority.
- A buffer zone is included within 10m of the landward toe of the embankments.
- Storage volumes on site must not be reduced by the importation of soil.

The mitigation measures shall be fully implemented prior to the first show commencing.

Reason: To mitigate and manage flooding on site in accordance with part 10 of the National Planning Policy Framework.

10. The show hereby approved shall not operate beyond 11pm on any given night.

Reason:- To mitigate the potential impacts of the development on the amenities of neighbouring residents in order to comply with policies GD1 and TM1 of the Wear Valley Local Plan

Recommended that the application DM/16/01134/FPA , is **Approved** subject to the following conditions:-

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

Proposed Site Layout 14-2000(P)002 Rev B (Shield)
Landscape Strategy 878_SH_01 (Shield)
878(PL)_Z5_01 Detailed Planting (Zone 5-Sheet 1) Rev C
878(PL)_Z5_02 Detailed Planting (Zone 5-Sheet 2) Rev C
878(PL)_Z5_03 Detailed Planting (Zone 5-Sheet 3) Rev A
878(PL)_Z5_04 Detailed Planting (Zone 5-Sheet 4) Rev B

Reason: In order to define the consent and to ensure an appropriate development in accordance with policies GDP1 and TM1 of the Wear Valley District Local Plan

2. The site shall only be used for car parking purposes a maximum of 45 days in any calendar year.

Reason: In order to define the consent and in the interests of residential amenity in accordance with policy GDP1 of the Wear Valley District Local Plan.

3. Within a period of three months from the date of this permission “a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-

- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
- The undertaking of that scheme of further intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval

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

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the NPPF.

4. Within a period of 2 months from the date of this permission a detailed landscaping implementation and management strategy to deliver the hereby

approved landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details and timings.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1, ENV1 and ENV3 of the Wear Valley District Local Plan.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1 and ENV1 of the Wear Valley District Local Plan.

5. *No development shall take place unless in strict accordance with the mitigation detailed in the Ecological Mitigation detailed in section 6 of the Environmental Statement Addendum 2017.*

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

6. Prior the first show in any calendar year details of any plant to be sited (including generators and lighting) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include noise levels of any plant, details of light spread and their location within the site. The agreed scheme shall be implemented in accordance with the approved details thereafter.

Reason: In order to define the consent and in the interests of residential amenity in accordance with policy GDP1 of the Wear Valley District Local Plan

Recommended that the application DM/17/01800/FPA is **Approved** subject to the following conditions:-

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

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

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

Ecological Mitigation Area – Walsh – 878_42

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Within a period of 2 months from the date of this permission a detailed landscaping implementation and management strategy to deliver the hereby approved landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details and timings.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1 and ENV1 of the Wear Valley District Local Plan.

4. Within one month of the permission hereby approved a detailed management and monitoring strategy for a period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall be based on the principles set out in the section 6 of the Environmental Statement Addendum 2017 and drawing no. 878_42 Ecological Mitigation Area – Walsh and shall include monitoring for years 1, 2, 3, 4, 7, 10, 15 and 25.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

Recommended that the application DM/17/01802/FPA, is **Approved** subject to the following conditions:-

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

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

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

Ecological Mitigation Area – Newton Cap – 878_41

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Within a period of 2 months from the date of this permission a detailed landscaping implementation and management strategy to deliver the hereby approved landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details and timings.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1 and ENV1 of the Wear Valley District Local Plan.

Reason: In the interests of the visual amenity of the surrounding area and landscape in accordance with policies GDP1 and ENV1 of the Wear Valley District Local Plan.

4. Within one month of the permission hereby approved a detailed management and monitoring strategy for a period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall be based on the principles set out in the section 6 of the Environmental Statement Addendum 2017 and drawing no. 878_41 Ecological Mitigation Area – Newton Cap and shall include monitoring for years 1, 2, 3, 4, 7, 10, 15 and 25.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

National Noise Policy Statement for England

Wear Valley District Local Plan

Statutory, internal and public consultation responses



Planning Services

- 1) DM/16/01129/VOC
- 2) DM/16/01134/FPA
- 3) DM/17/01800/FPA
- 4) DM/17/01802/FPA

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Comments

Date June 2017

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03019/OUT
FULL APPLICATION DESCRIPTION:	Hybrid application, outline development 3.8ha of land (approximately 116 dwellings) (all matters reserved) and full planning application for the erection of 84 dwellings with associated access, infrastructure, landscaping and car parking and access.(amended description)
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land On The North East Side Of Cross Lane, Sacriston
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land located to the north eastern edge of Sacriston to the north of the County. The site extends to approximately 10.1ha in area and comprises greenfield land in an agricultural use, consisting of an arable field and a woodland copse. An approximate 11m level change is evident across the site falling in a south easterly direction.
2. The site is served by an existing field vehicular access onto Cross Lane which also forms the south western boundary of the site along with a mature hedgerow which beyond an existing residential development of Deneside lies. To the east a wooded area which lies Black Burn Beck, beyond which lies Northumbrian Water sewage treatment works. To the north open agricultural fields are present along with a small wooded copse and the farm steading of Nettlesworth West House Farm. A farm access track is located to the western boundary beyond which lies residential housing estate of Daleside. The farm access track is also a designated Public Right of Way (Footpath No. 4 Kimblesworth & Plawsworth) while a second Public Right of Way crosses part of the northern boundary of the application site (Footpath No. 6 Kimblesworth & Plawsworth).

3. The Site is located 1.1km to the south west of Waldrige Fell SSSI. Howlmire Gill Local Wildlife site is located 60m to the east of the application while Sacristion Woods is located 495m to the west. Plawsworth Conservation Area lies 1.9Km to the east of the site. The north Durham green belt lies 1km to the east of the site.

The Proposal

4. This application is a hybrid planning application seeking approval for the erecting of 84 dwellings (detailed planning permission) and 116 dwellings (outline planning permission). The scheme has been amended since it was first submitted from 75 dwellings (detailed planning permission) and 125 dwellings (outline planning permission).
5. The development is intended to be developed in two phases. The first phase would provide for 84 dwellings, a new access into the site, open space and a SUDS drainage scheme all for which a detailed planning permission is sought.
6. The dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road which would provide access into phase two and then to a secondary vehicle access on Cross Lane. The layout has been designed to provide an active frontage onto Cross Lane, whilst retaining an existing hedgerow. Corner turning units are proposed to be utilised in key locations thought the site. The dwellings would be constructed from brick with rendered panels and pitched roofs predominately 2 storey in nature. There would be a mix of 3 and 4 bed detached (62) and semi-detached (22) properties, 12 of which would be offered on an affordable basis (15%). Areas of open space would be provided centrally within the development and to the western boundary.
7. The second phase of the development proposes up to 116 dwellings in outline with all matters reserved with the exception of access. An illustrative master plan sets out that the dwellings would be laid out in a series of cul-de-sacs with small areas of open space provided to the northern boundary and adjacent to Cross Lane. Access to this phase would be taken off vehicular links from the first phase and a secondary vehicular access onto Cross Lane. 15% of the dwellings in this phase would be offered on an affordable basis (up to 17).
8. A Suds drainage scheme incorporating the provision of detention basins within a wooded copse and agricultural land further to the east of the proposed housing is also proposed. This would store water in 1 and 100 year flood events and achieve a water quality betterment.
9. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

10. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 200 dwellings.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
12. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – 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 of a low carbon future.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
16. *NPPF Part 7 – Requiring Good Design.* 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
17. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

Chester-le-Street District Local Plan (2003) (CDLP)

22. *Policy NE2 - Development Beyond Settlement Boundaries* - Sets out that outside the settlement boundaries as defined on the Proposals Map, development will be strictly controlled. Permission for new dwellings will be granted only where there is a need to support existing agricultural or forestry activities, in the circumstances set out in Policy AG9. Where planning permission is required, development should:- i) Protect or enhance the character and quality of the countryside; ii) Be consistent with maintaining the economic sustainability of agriculture and other rural businesses; iii) Comply with the criteria of other relevant policies of the Local Plan.
23. *Policy BE2 - Public Art* - Sets out that where development costs total £500,000 or more, Chester-le-Street District Council will encourage developers to devote at least 1% of those costs to the provision of works of art in new building and landscaping projects accessible to the general or client public. In determining planning

applications, due regard will be given to the contribution made by any such works to the appearance of the scheme and the amenities of the area.

24. *Policy BE22 - Planning Obligations* - Sets out that wherever necessary, Chester-le-Street District Council will seek to enter into planning obligations from developers to either enhance the quality of a proposal that is acceptable in principle, or to enable a proposal to go ahead which might otherwise be refused.
25. *Policy HP6 – Residential within settlement boundaries* – Identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
26. *Policy HP9 – Residential Design Criteria (General)* – Requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
27. *Policy RL5 – Open Space provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m² children’s play space and 250m² informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.
28. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
29. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
30. *Policy T6 - Provision of Public Transport (General)* - Sees out that development proposal should be consistent with a safe and accessible public transport network and should help to encourage its use by all members of the public in order to reduce reliance on the private car. Access to new development should be located on, or as near as possible to, existing bus routes and footpath links should be available or, if not, provided to existing or proposed bus stops.
31. *Policy T12 – Cycling* - Chester-le-Street District Council, in partnership with Durham County Council will seek to identify a network of continuous routes for cyclists and ensure improved facilities for cycling and ensure cyclist’s needs are considered as part of new development and that appropriate facilities are provided, including encouraging the use of cycles through the development onto established networks including the C2C cycle route.
32. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.

33. *Policy T17 - General Transport Policy* - Sets out that all new development proposals should have regard to, and be consistent with, the provision of a safe and accessible transport network, and in particular with, reducing reliance on the private car, encouraging the use of public transport; and encouraging walking and cycling as an effective means of transport.

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

RELEVANT EMERGING POLICY:

The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways Authority* – It is advised that proposed highways layout and the access on to Cross Lane is acceptable, visibility splays of 2.4m X 120m in both directions would need to be maintained. A pedestrian refuge island on the south east side of the site should also be provided along with a 1.8m wide footway from the proposed access to the rear of no.85 Daleside. It is advised that the parking standards are acceptable across the site. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled through a transport assessment. Following amendments to the assessment it is considered that the submitted report is sound and would not have a cumulative impact on the highway network, particularly at Sacriston crossroads and at the A/167 Nettlesworth roundabout.
36. *Highways England* – Offer no objection.
37. *Coal Authority* – Advise a condition to secure further site to detail mitigation measures that will be required in order the site in relation to historic coal mining legacy.
38. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. Concerns are raised regarding the potential noise and odour impact from an adjacent sewage works consideration should be given through formal assessments of the impact of these works on future residents.

39. *Drainage and Costal Protection* – Offer no objections to the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – It is advised that the starting point for considering this proposal is the development plan, which in this case is the Chester-le-Street Local Plan. The proposal conflicts with the Local Plan insofar as it would be located outside of the settlement boundary for Sacriston. However, the Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications on the edge of settlements.
41. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence which, they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.
42. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are no specific policies from the NPPF which indicate the development of this site should be restricted.
43. The site itself is considered to be well related to Sacriston and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters and other specialist issues can be addressed in terms of promoting pedestrian and cycle movements and sustainable patterns of travel. No objections in principle to the scheme are raised.
44. *Landscape* – No objections raised in relation to the landscape impact of the development, advice is offered in relation to layout and use of appropriate boundary treatments. Concerns are raised regarding the impact of the proposed SUD's detention basis in the copse adjacent to the development and advise that alternatives should be considered.
45. *Landscape (Arboriculture)* – Advise that the Arboricultural report supplied is satisfactory and meets current standards; the proposals would unlikely give rise to significant effects on trees, where construction does come close to existing trees and hedges protection measures must be in place as described within section 5 of the report

46. *School Places and Admissions Manager* – Advises that a development of 200 houses could generate an additional 60 primary pupils and 24 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is sufficient capacity in local schools to accommodate the additional pupils generated. It is considered that existing schools in the area can accommodate the pupils that would be generated by this development, taking into account other approved developments.
47. *Housing Delivery* – Advise that the proposed 15% affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
48. *Ecology* – Advise that the submitted ecology assessments are sound and officers verify the conclusion that there are no protected species on site. Following the introduction of mitigation in relation to the impact on Waldrige Fell SSSI and surrounding local nature reserves, no objections are raised. Conditions are recommended to be attached to secure delivery and further detailing of the mitigation.
49. *Environmental Health and Consumer Protection (Air Quality)* – Advise that no mitigation measures are required in relation to air quality following completion of the development. However it is advised that dust management plan should be adopted during the construction phase.
50. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
51. *Environmental Health and Consumer Protection (Pollution Control)* – Officers consider that the indicated noise mitigation measures would be adequate to safeguard the amenity of future residents. These would need to be fully detailed and secured by condition. It is also noted that the applicant has undertaken an odour assessment which concludes that there are possibilities at certain times of the year future residents may experience odour generated from the adjacent Sewage Treatment Works in certain wind and temperature conditions. However the report concludes that given the likely frequency of occurrences (approximately 15 days of the year) on this basis it is likely that a statutory nuisance would not arise. It is also identified that there are existing residential properties in the proximity of the sewage works which place an existing degree of restriction on the operator, which is controlled by an Environmental Permit. It is highlighted that there may also be times of the year when smells generated from the adjacent farm and cause a nuisance. However, there are non-involved properties at this farm and again existing housing is in close proximity. It is also recommended that conditions are required requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents.
52. *Design and Conservation* – There are no heritage related issues associated with the development, due to the lack of listed buildings and conservation areas in the vicinity of the site. It is however highlighted that the existing farm buildings adjacent the outline element of the scheme are attractive in their own right and should be offered a degree of stand-off from the development. Design advice is offered on the indicative layout which would need to be picked up in any reserved matters application.

53. *Archaeology* – Advise following the submission of a geophysical survey of the site which does not indicate extensive archaeological remains, however a conditional approach to secure trial test trenching is recommended.
54. *Access and Rights of Way* – Identify that there are registered rights of way within the proposed development site. Officers consider that opportunities for improving the surrounding public rights of way network should be secured.
55. *Sustainability* – Advise that the proposed site was subject to a Sustainability Appraisal as part of previous work to inform the selection of housing allocations for the County Durham Plan and was subsequently allocated. Whilst the site is within walking distance of the town centre and associated facilities, it suffers from severance due to Cross Lane & Black Burn. Therefore good links and paths to the town centre are essential to minimise this impact.
56. *Sustainable Transport* – Recommend a conditional approach to securing amendments and delivery of the submitted Travel Plan.

NON-STATUTORY RESPONSES:

57. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, while no issues are raised regarding the proposed layout. It is advised that an appropriate scheme of lighting should be developed.

PUBLIC RESPONSES:

58. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 14 letters of objection from local residents have been received in relation to the development as summarised below.

Principle/Sustainability of development

- Development would be contrary to local plan policies, the starting point for the determination of planning applications.
- Objections were raised regarding the proposed allocation of the site in the County Durham Plan, these objections need addressed. Approval of this application would be premature to the resubmission of the plan.
- Brownfield sites should be prioritised, other sites are available within Sacristion that would achieve this objective.
- The application has not demonstrated that the development would meet an unmet housing need in the area.
- Capacity of health facilities including GP's.
- Capacity of surrounding schools.

Highways

- Increase in traffic, particularly at Heugh Edge Junction/Plawsworth Road due to proximity of bus stops and onto Cross Lane itself.
- Speeding is evident on Cross Lane, parked cars cause cars to drive on the opposite side of the road.

Residential Amenity

- A rat problem is evident in the area, concerns are raised regarding the potential for the development to make the situation worse.
- Potential impact of construction traffic on highway safety and residential amenity.
- Consideration should be given to alternative access points along Cross Lane.
- Increase in noise and light pollution along with loss of views over countryside.

Other Issues

- Flood risk of the development downstream.
- Capacity of sewage treatment in the area.
- Impact on existing electricity and water services.
- Visual impact on open countryside.
- The breeding bird survey concludes that there would be no impact on breeding birds, an independent assessment is required.
- Complete wildlife reports are required to assess the impact of the development on newts, rabbits, deer etc.
- Loss of agricultural land.
- Impact on Public Right of Way Adjacent to the site.

APPLICANTS STATEMENT:

59. It is imperative for the future fortunes of the County that within the current planning policy climate, following the revocation of the former emerging County Durham Plan and until such a time that significant progress is made on the New County Durham Plan, that new residential development continues to be brought forward and delivered across the region in order to provide for the current and future housing needs of the population.
60. Despite this County wide goal of continuing to meet housing need it is equally imperative that, on a local level, the development sites which supply future housing are appropriate and sustainable by nature. This being particularly pertinent due to the current inability of the Council to demonstrate a 5 year housing land supply and the effect this has in rendering relevant policies for the supply of housing out-of-date and effectively opening the door to the prospective developments in less sustainable locations and sites.
61. Accordingly the applicant felt it appropriate to bring forward this application at this stage as the Council, through Strategic Housing Land Availability Assessment and subsequent Draft Local Plan Sustainability Appraisals and allocations, identified the site as a suitable and sustainable residential development site which should come forward in the short term to deliver much needed housing for the area.
62. The application site was identified as a part of wider site incorporating further land parcels to the north as a draft allocation (H33) within the submission version of the County Durham Plan (April 2014) for the delivery of circa 370 dwellings in the short term. This application provides the opportunity to secure, and begin delivery of, a significant proportion of this allocation whilst ensuring that development is directed to a suitable and sustainable location.
63. The scheme proposes the delivery of 200 new homes providing an excellent range and choice of dwellings to satisfy the current and future housing needs. With a selection of 3 and 4 bed homes proposed, ranging from 739 – 1,275 sq.ft, the

development will meet the needs of a wide range of the market whilst also providing a fully policy compliant 15% of the dwellings as affordable homes.

64. Throughout the planning application process the applicant has worked closely with the Case Officer to address any and all issues and concerns that have arisen from local residents, statutory and internal consultees. Amendments to the housetype selection and site layout has resulted from these discussions ensuring that the proposed development is of the highest quality in design whilst additional information has been provided by the applicant in relation to Air Quality, Noise, Transport, Drainage and Ecology to ensure that the scheme fully mitigates against all impact receptors, such that there are no outstanding objections from any internal or statutory consultees.
65. In conclusion, the application site was and is identified by the Council as a suitable and sustainable residential development site which benefitted from a draft allocation within the submission version of the County Durham Plan. Despite the revocation of the Plan the need to deliver housing across the County, and the principle of delivering this on suitable and sustainable sites, remains central to both National and Local Government objectives. The proposal benefits from no objections from any consultees confirming that the development is appropriate in its design and there are no policy or technical reasons why the development should not come forward.
66. The proposal unequivocally represents sustainable development which in accordance with the NPPF there is a presumption in favour of and there are no adverse impacts which would significantly and demonstrably outweigh the benefits or any specific policies within the NPPF that indicate development should be restricted. The applicant therefore politely requests that members support the officer's recommendation to approve the application such that development of the site can commence without delay.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVHZ7ZGDMFH00>

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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 Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, ecology, residential amenity, flooding and drainage, ground conditions, heritage impacts, other issues and planning obligations.

The Principle of Development

The Development Plan

68. 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 Chester-le-Street District Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.
69. The CDLP was adopted in 2003 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

70. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) 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; or
 - ii) specific policies in this Framework indicate development should be restricted.
71. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
72. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the CDLP are out-of-date as outlined below.

73. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield sites to meet housing need when considered in the planning balance. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

Five Year Housing Land Supply

74. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.

75. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June 2016. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:

1,533 houses per year (29,127 houses by 2033)

1,629 houses per year (30,951 houses by 2033)

1,717 houses per year (32,623 houses by 2033)

76. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
77. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which will be identified as the OAN following consultation in the Preferred Option Stage, the Council has a relatively substantial supply of housing.
78. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the local plan may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

79. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However

recent Court of Appeal judgments emphasises that policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.

80. CDLP Policy HP6 sets out that new development should be located in the towns and villages best able to support it setting out limits of development. The scheme conflicts with this saved Policy, representing development outside of the established settlement limit of Sacriston. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole. Limited weight should therefore be afforded to this Policy in this instance.
81. CDLP Policy H6 is accompanied by CDLP Policy NE2 (Development Beyond Settlement Boundaries) which relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would also conflict with this Policy. This Policy is considered only partially compliant with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved policy. Limited weight should be afforded to this Policy in this instance as it is considered out of date.
82. Remaining policies within the CDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
83. The development of the site for housing would, in principle, be contrary to CDLP policies. However, CDLP policies for the supply of housing are out of date and development within the countryside policies are not fully NPPF compliant. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

84. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of Sacriston by reinforcing and providing new pedestrian connections. Footpath improvements and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
85. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Sacriston representing a greenfield extension. However, a distance of 500m is evident to the village centre, a distance of 450m is evident to the nearest primary school. The

nearest GP is located 700m away. Sacriston industrial estate is located 1000m away, whilst Chester-le-Street town centre and Durham City Centre containing secondary schools, larger shopping facilities and train stations are located approximately 3.9 miles away.

86. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Sacriston is a smaller town/larger village as set out in the Council's Settlement Study 2012 acting as a localised centre containing a reasonable array of services due to its location, which are to a degree self-sustaining. In line with the now withdrawn County Durham Plan Sacriston was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of 200 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of services provided. The walking routes into Sacriston are also on adopted well-lit highways with no significant topographical restrictions.
87. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride and Durham/Chester-le-Street a 25min cycle ride. The nearest bus stop is located 350m from the site entrance which has a frequent service to Durham and Stanley while other bus services connect to Chester-le-Street. Although some portions of the development site lie up to an additional 240m away it is considered that this is offset due to the frequency of services that serve Sacriston as a whole (at times greater than 4 per hour) and overall a range of transport options would be available for future residents, whilst an increase demand from prospective residents may allow an increased bus service in the future. In order to further improve the accessibility of the site, the applicant proposes to upgrade an existing footpath to a multi user cycle/pedestrian walkway extending through an amenity area to the rear of Brookside/ Morningside Close, which links to the town centre. It is recommended to secure deliver of this by planning obligation through a S106 agreement.
88. Overall, it is considered the walking distances, improved pedestrian/cycle links and the frequency of the established bus service would give future residents alternative options to the private motor car to access to services and amenities. However it is recommended that new footways along cross lane are installed, an existing footpath to Sacriston town centre is upgraded to a multi user route and a pedestrian refuge island is created to improve connectivity, in accordance with Paragraph 61 of the NPPF and CDLP Policies T6, T12 and T17 which are considered consistent the NPPF in this respect.

Landscape and Visual Appraisal

89. CDLP Policy NE2 seeks to control development outside of settlement boundaries to safeguard the character and appearance of the countryside. This Policy is considered partially compliant with the NPPF which, although recognising the intrinsic character and beauty of the countryside, has a more permissible attitude towards a wider range of development types in the countryside than the saved policy. Only limited weight can therefore be given to this Policy in the decision making process in this respect.

90. The site forms part of a wider arable farm landholding and gently slopes in a south easterly direction toward Black Burn and towards Walldridge Fell. The site is bound by a mature hedgerow to the south west, which beyond lies the existing residential development of Cross Lane/ Deneside. To the east the residential development of Daleside is present along with a Public Right of Way (Footpath No. 4 Kimblesworth & Plawsworth) which provides access to Nettleworth West Farm.
91. The site is generally visible 2km to the east from lower land in shallow views where it forms a small part of visually complex panoramic views, including the built form of Sacriston. These views are limited to a large extent by a series of woodland copse and mature hedgerow within the landscape. To the north, south and west the site is screened from longer distance views due to the surrounding land form and existing development. In immediate views there is a direct relationship with Cross Lane and the immediate public rights of way network.
92. It is considered that the effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse. This is always the case for development of this kind on green field sites. The change from open countryside to built development would be appreciated in close views from roads, footpaths immediately bordering the site which currently have an attractive rural outlook. The frontage onto Cross Lane would have a semi urban character, although set back from the roadside and the existing hedgerow retained, the site entrance and dwellings would be notable features. In combination with the required visibility splays a section of existing hedgerow would need to be removed to facilitate the access. This feature contributes to the local character as advised by the Council's Landscape officers. Furthermore, one of the SUDS detention basins to serve the scheme would be located in an established copse which although the quality of the trees themselves are not high, it is an important landscape feature providing screening to the development when viewed from the east. Concerns are raised from Landscape officers in relation to this element of the development, encouraging other options to be explored.
93. The alteration of the copse and removal of approximately 20 immature trees within it, would be regrettable, however due to the topography of the site and design requirements of the surface water drainage system this is the only viable option. Once installed the trees required to be removed (in proximity to the eastern boundary) can to a degree be replanted, whilst additional mitigation planting is proposed in the form of a 10m buffer along the eastern edge of the copse. This would have the result of bolstering the most sensitive side in wider landscape terms whilst the western element of the copse, which is on higher ground, would be largely unaffected with the exception of a service corridor. Conditions detailing up the final replanting and management strategy are proposed.
94. In respect of the impact on the local landscape character, the visual impact would be of a medium magnitude taken in the round. The submitted outline landscape masterplan provides for some mitigation measures that would locally strengthen character including reinforcing existing hedgerows and tree planting. Notwithstanding this, the overall impact on the immediate area would remain adverse given the scale and urban character of the development.
95. Overall, the built form of the development would remain relatively prominent in these localised views from the west, extending the urban character of the settlement in to

the countryside however, this impact would remain localised. In deeper views such as those from east, while the further encroachment of built form may be noticeable the general character of the view would remain similar. It is considered that the overall effect on the wider landscape would be of a low magnitude.

96. CDLP Policy NE2 seeks to safeguard the character and appearance of the countryside. As a result of the development an extension beyond the established settlement edge would occur, contrary to Local Plan policy. A relatively small amount of hedgerow would need to be removed to accommodate the required access and visibility splays whilst an existing copse would need to be modified to accommodate the SUDS. However, the combined visual impact is considered localised while views of the site would largely be set against the backdrop of existing housing development, whilst remaining landscape vegetation help to filter these views. The detailed and indicated Landscaping Strategy subject to a detailed design and minor modifications would help mitigate this impact. There would however be residual adverse landscape harm contrary to Local Plan (CDLP Policy NE2) and NPPF (Part 11) policies and therefore this impact needs to be considered within the wider planning balance.

Layout and Design

97. CDLP Policy H9 requires development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. This Policy is considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to this policies in this respect in the decision making process.
98. Furthermore Paragraph 58 of the NPPF sets out that decision should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be resisted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
99. In considering the amended scheme against the above policy criteria, recognising the opportunities and constraints of the site, it is considered that overall the development would relate well to the surrounding built environment providing a relatively low density attractive active frontage onto the south western boundary of the site and Cross Lane. Moving through the development active frontages and corner turner units have been utilised to maintain an attractive street scene. The proposed house types are considered appropriate to the area which does not exhibit a strong local vernacular and are considered reasonably high quality in terms of design. The highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development.

100. CDLP Policy BE2 sets out that the Council will encourage the provision of works of art as part of development setting out a target of 1% of development costs. This Policy is considered partially consistent with the NPPF, although the NPPF is silent on public art it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the CDLP Policy. The applicant has committed to the provision of art on site, secured by condition and would either be delivered at the site entrance or within the public open space.
101. Overall, it is considered that the scheme has the potential to deliver a high quality visually attractive development and would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself to the existing settlement, in accordance to CDLP Policy H9 and Paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

102. CDLP Policies H9, T15 and T17 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These Policies are considered consistent with the NPPF in this respect which also sets out at paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by transport assessments or statements. Full weight should therefore be afforded to these Local Plan policies in the decision making process.
103. The development would be served by a two vehicular access taken off the adopted highway Cross Lane while a new pedestrian footway along the north side of Cross Lane would be created. Off site mitigation works are also proposed which include the upgrading of an existing pedestrian footway across public open space to the town centre to a multi user route. The Highways Authority advise that subject to agreeing the engineering details of the proposed access and subject maintaining visibility splays of 2.4m x 120m in both directions, the development would be served by an approximate means of access and protect the highway safety of other road users, despite objections received. Conditions are recommended to secure the implementation of these works. To ensure connectivity a further condition is proposed to ensure that the proposed footpath extends up to the rear of no.85 Daleside and a pedestrian refuge island is formed adjacent to the south west corner of the site. Internal to the site, it is advised that the highway layout is acceptable and could accommodate relevant service vehicles and that sufficient in-curtilage parking to meet parking standards is provided.
104. Objections have been raised regarding vehicular speeds on Cross Lane, however subject to mitigation measures, including the formation of a gateway feature and pedestrian refuge on the highway adjacent the south east portion of the site no objections are raised from the highways authority in this respect. Furthermore is considered that the formation of active semi urban frontage would encourage lower vehicle speeds.
105. Objections have been raised by local residents regarding the capacity of the local highway network to accommodate the development. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area.

Following amendments to the modelling of the assessment to correctly reflect the developments impacts the Council's Highways Authority agree with the methodology and conclusions of the transport assessment and offer no objections on the scheme.

106. A condition to secure the implementation of an appropriate Travel plan for the site, to encourage alternative forms of transport is recommended as advised by the Councils Sustainable Travel Section.
107. Highways England offer no objections to the application.
108. Overall, subject to conditions, the Highway Authority advise that a satisfactory means of access would be created while the development would not have an adverse cumulative impact on the wider highway network, in accordance with CDLP Policies T9, T15 and T17 in this respect and Paragraph 32 of the NPPF.

Ecology

109. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The Site is located 1.1km to the south west of Waldrige Fell SSSI. Howlmire Gill Local Wildlife site is located 60m to the east of the application while Sacriston woods is located to 495m to the west. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating enhanced corridors for bats along the northern and eastern boundaries through the creation 10m buffer along the existing hedgerow and copse. Further mitigation is also proposed in order to mitigate the developments potential impact on the nearby SSSI and Local Wildlife sites though the formation of an amenity/dog exercise area to the north of the site and the resurfacing of the public right of way linking the site to the area. The submitted mitigation strategy also proposed to restrict site clearance works to outside of the bird breeding season.
110. Given the lack of impact on biodiversity interests on the site as advised by The Councils Ecology Section and along with the mitigation proposed, the development is considered to conform to Part 11 of the NPPF in this respect. Conditions to secure delivery of the proposed mitigation are recommended.

Residential Amenity

111. CDLP Policy HP9 requires that the design and layout of development have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.

112. The detailed and outline indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing properties at Deneside, other properties fronting out onto Cross Lane and Daleside to the east, as advocated in the Local Plan. Overall given these separation distances to neighbouring properties it is considered that there would not be a significant reduction in existing resident's amenity, in terms of overlooking and privacy and outlook. Further scrutiny of this matter would be given at reserved matters stage.
113. The development would increase the comings and goings of vehicles, and to lesser degree pedestrians which would have a limited impact on residential amenity of existing residents. However, this is not considered to be at a significant reduction that would warrant refusal of the application. Furthermore issues of headlights shining through windows are not considered matters which would justify the refusal of the planning application as the situation would be comparable to most residential housing estates across the County.
114. In order to limit the potential disturbance for existing and future residents during construction, the Council's Environmental Health and Consumer Protection officer recommends that a construction management plan be secured to deal with construction related impacts, including working hours. Conditions to this effect are recommended. Concerns regarding the potential disturbance/increase in rat populations are not considered sufficient to warrant refusal of the planning or require specific mitigation.
115. Internally to the site the proposed dwellings can achieve minimum separation distances set out in the Local Plan, whilst garden areas would be adequate to provide an appropriate level of outdoor amenity space.
116. The development would be located in proximity of a number of noise sources, including the surrounding highway network, a farm to the north of the site and Northumbrian Water Sewage Works a minimum of a 170m from the south west of the site. The applicant has also undertaken an odour assessment which concludes that there are possibilities at certain times of the year future residents may experience odour generated from the adjacent Sewage Treatment Works in certain wind and temperature conditions. However, the report concludes that given the likely frequency of occurrences (approximately 15 days of the year) on this basis it is likely that a statutory nuisance would not arise. It is also identified that there are existing residential properties in the proximity of the sewage works which place an existing degree of restriction on the operator, which is controlled by an Environmental Permit. It is highlighted that there may also be times of the year when smells generated from the adjacent farm and cause a nuisance. However, there are non-involved properties at this farm and again existing housing is in close proximity which place restrictions if the farming use intensified or changed.
117. The Council's Environmental Health and Consumer Protection officer advises that the methodology and conclusions of the reports are sound and that subject to appropriate mitigation where necessary adequate levels of residential amenity would be achieved in accordance with relevant thresholds set out in the Technical Advice Notes in relation to Odour and Noise and it is likely that at statutory nuisance would not occur placing restrictions on both of these operations. Conditions requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents are recommended. The construction management plan would also control the route for construction related traffic.

118. Northumbrian Water have raised comments relating to potential odour and smell generation from the Sewage Treatment Works, suggesting that the Planning Authority give consideration of these matters before granting planning permission. Dialogue has been held between the applicant, NWL and the Council's Environmental Health officer in relation to this matter and the coping of the odour Assessment.
119. Environmental Health and Consumer Protection officers raise no objections subject to conditions. Overall the scheme would comply with CDLP Policy HP9 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents or would place undue onus on existing businesses/operations that would justify refusal of the planning application.

Flooding and Drainage

120. 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, informed by a site-specific flood risk assessment.
121. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to capture surface water in 1 and 100 year flood events to discharge to mains drainage at greenfield run off rates. The scheme also proposes the implementation of drainage channels and porous paving, would help restrict runoff to greenfield rate and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach, the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.
122. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure.
123. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

124. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advises that underground coal mining has taken place

underneath the site at shallow depth, with potential unrecorded mine workings. The Coal Authority recommends a conditional approach to secure further site investigation and mitigation where appropriate.

125. In relation to land contamination the applicant has submitted a phase 1 desk top study undertaken interactive site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officer (Contaminated Land) advises that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 11 of the NPPF.

Heritage Impacts

126. There are no listed buildings within a 1km vicinity of the application site. However as advised by the Council's Design and Conservation officer, the adjacent farm stead of Nettlesworth Farm is shown on the first edition 1860 map and has some historic and architectural value. Following amendments to the scheme to introduce of public open space between the development and these buildings to maintain a degree of separation, the Council's Design and Conservation officer raises no objections and advises that there are no heritage related issues associated with the development.
127. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a Geophysical Survey, in reviewing the submitted details the Council's Archaeology officer advises that there are no significant archaeological interests that would preclude the development and subject to agreeing a scheme of trial trenching no objection is raised. This mitigation would satisfy the requirements of Paragraph 128 of the NPPF resulting in no harm to any archaeological interests

Other Issues

128. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 7.2ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Natural England classification maps for the North-East region do not make any classification of the site. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
129. In this instance it is considered that the amount of agricultural land (7.2 ha) to be lost is less than significant, even in event that the land is best and most versatile, it is nonetheless an adverse impact which should be given weight in the planning balance.

130. The applicant has submitted Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. The Council's Environmental Health and Consumer Protection officer (Air Quality) advises that no mitigation measures are required in relation to air quality following completion of the development, however it is advised that dust management plan should be adopted during the construction phase.
131. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.

Planning Obligations

132. CDLP Policy HP13, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 15% provision on site. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
133. CDLP Policy HP15 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore CDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
134. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
135. In this instance the site layout indicates that around 1.5ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However an offsite contribution of £200,000 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 planning obligation..
136. The Council's Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and is discussed later in this report.
137. The School Places and Admissions Manager advises that a development of 200 houses could generate an additional 60 primary pupils and 30 secondary pupils. Taking into account existing surplus in schools which could serve the development

(based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is sufficient capacity in local schools to accommodate the additional pupils generated. There is therefore no impact to mitigate in this respect.

138. No response has been received from the NHS in relation to GP capacity within existing facilities in the area.

Planning Balance

139. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits.

Benefits

140. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
141. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.
142. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
143. The development would provide a range of house types including up to 29 affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

144. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
145. The development would result in the loss of agricultural land, however given the site of the site (7.2ha) this should not be considered an adverse impact even in the event that the land is best and most versatile.

CONCLUSION

146. The development would conflict with CDLP Policies NE2 and HP6. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
147. It is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. However, due to the limited visibility in the wider landscape and mitigation proposed, for the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the CDLP.
148. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards provision of open space and sporting opportunities, the provision of affordable housing and footpath improvements are considered necessary for the development to be considered acceptable and therefore meet the relevant tests satisfying CDLP Policy BE22. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.
149. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

- 13 on site affordable units in phase 1.
- 15% on site affordable housing units on phase 2.
- £200,000 towards open space and sporting provision within the Electoral Division.
- Provision of pedestrian/cycle multi user route to Brookside/ Morningside Close.

and subject to the following conditions:-

1. The development hereby permitted in "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016) 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. No development other than site clearance and remedial works shall take place within the "Outline Application Area" as identified on drawing no. WS-BP (received 01.11.2016) until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last 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 on "Outline Application Area" as identified on drawing no. WS-BP (received 01.11.2016) shall comprise a maximum of 116 dwellings.

Reason: To define the consent and precise number of dwellings approved

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

- Phase 1 Detailed Area - Site Layout - WS-001 rev A (received 01.11.2016)
- Outline Area - Block Plan - WS-BP (received 01.11.2016)
- Roseberry (village) - RS-WD06 rev P (received 30.9.2016)
- Hatfield (village) - HT-WD06 rev P (received 30.09.2016)
- Souter (village) - SU-WD16 rev S (received 30.09.2016)
- Chatsworth (village) - CT-WD06 (received 16.08.2016)
- Moseley (village) - MS-WD06 rev L (received 30.09.2016)
- Winster (village) - WS-WD06 rev S (received 30.09.2016)
- Clayton (village) - CCA-WD06 rev F (received 30.09.2016)
- Kendal (village) - KL-WD06 rev B (received 30.09.2016)
- Lumley (village) - LY-WD06 rev L (received 30.09.2016)
- Lumley Corner (village) - LYC-WD06 (received 01.11.2016)
- Standard / Double Garage - SGD-01 rev B (received 16.06.2017)

Reason: To define the consent and ensure a satisfactory form of development is obtained.

5. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works, including the pedestrian footway along Cross Lane, as detailed on plan WS-BP (received 01.11.2016) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall

including a timetable of implementation. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and part 4 of the NPPF.

6. Notwithstanding the submitted information prior to the occupation of the first dwelling hereby approved full engineering details of a gateway feature including a pedestrian refuge island and change in position of speed limit signs, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be undertaken prior to the occupation of the first dwelling.

Reason: In the interests of highway safety and connectivity in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and parts 4 and 7 of the NPPF.

7. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and Part 4 of the NPPF.

8. Prior to the occupation of the first dwelling hereby approved, full engineering details of a 1.8m wide pedestrian footway, extending from the site entrance along the Cross Lane to the entrance of Daleside, shall be submitted to and approved in writing by the Local Planning Authority. The approved footway shall be installed in accordance with the submitted information prior to the occupation of the 40th dwelling hereby approved.

Reason: In the interests of highway safety and connectivity in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and parts 4 and 7 of the NPPF

9. Within a period of six months of the first occupation of any part of the development a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy T6 of the Chester le Street District Local Plan and Parts 4 and 10 of the NPPF.

10. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in the "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual and residential amenity in accordance with Policies HP9 and NE2 of the Chester-le-Street District Local Plan and parts 7, 11 and 12 of the NPPF.

11. Notwithstanding the submitted information, prior to the commencement of the 1st dwelling hereby approved a detailed landscaping scheme for the "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016) shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- Details of replacement and additional tree planting to facilitate the SUDS detention basins
- Planting of additional trees along the northern elevation of the copse.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.
- Details of all means of enclosures.

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

Trees, hedges and shrubs planted in accordance with the scheme shall not be removed within five years. Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual and residential amenity in accordance with policies HP9 and NE2 of the Chester-le-Street District Local Plan and parts 7 and 11 of the NPPF.

12. Notwithstanding the requirements of condition no. 12 and the submitted information, prior to the commencement of any drainage works, full details of any trees required to be removed, to facilitate the SUDS drainage scheme and details of their replacement, shall be submitted to and approved in accordance with a detailed landscaping scheme. The landscaping scheme shall make provision for additional tree planting at a minimum of 5m in depth adjacent the north eastern boundary of the copse and a timetable for implementation and future maintained regime. The approved landscaping scheme shall be undertaken in accordance with the approved details, including agreed implementation timeframes.

Reason: In the interests of the visual amenity in accordance with policies HP9 and NE2 of the Chester-le-Street District Local Plan and parts 7 and 11 of the NPPF.

13. Prior to the occupation of the first dwelling in the "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016), a detailed

scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme should be based upon the principles set out in the Flood Risk Assessment ref 4676/DS01 compiled by ID Civils Design and the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

14. Prior to the occupation of the first dwelling in the "outline permission" on drawing no. WS-BP rev A (received 01.11.2016) a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme should be based upon the principles set out in the Flood Risk Assessment ref 4676/DS01 compiled by ID Civils Design and the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

15. The development shall be carried out in accordance with the mitigation outlined within the Preliminary Mitigation, compensation and enhancement strategy, compiled by E3 Ecology Dated, November 2016.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF

16. Notwithstanding the requirements of condition no.16, full details of the buffer planting, footpath resurfacing and Ecological Mitigation Land set out on the Ecological Mitigation Strategy Plan Ref: WHF-EMSP-001 rev A shall be submitted to an approved in writing before the occupation of the 1st dwelling. The submitted information shall include an implementation programme and maintenance regime. The approved details shall be implemented and completed in full accordance with the agreed details and implementation programme.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF

17. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF.

18. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority to include timings for implementation and a maintenance regime. The approved scheme shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE2 of the Chester le Street District Local Plan and Part 7 of the NPPF.

19. Prior to the construction of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by LA Environmental PH/EHF/001 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with HP9 of the Wear Valley District Local Plan and Part 11 of the NPPF.

20. No development of any phase shall commence until a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - Details of methods and means of noise reduction
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - Designation, layout and design of construction access and egress points;

- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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 to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

21. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

22. Prior to the commencement of development of "a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
 - The undertaking of that scheme of further intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;

- The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated 'no-build zone' for the recorded mine entry which may be required and a time frame Implementation of those remedial works.

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

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

23. No development shall take place on any phase until a scheme of archaeological work in accordance with a written scheme of investigation for that phase has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

iii; Post-fieldwork methodologies for assessment and analyses.

iv; Report content and arrangements for dissemination, and publication proposals.

v; Archive preparation and deposition with recognised repositories.

vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

The archaeological mitigation strategy for that phase shall be carried out in accordance with the approved details and timings.

Reason: To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.

24. The development of any phase shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

(a) a Phase 2 Site Investigation and Risk Assessment shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out

without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

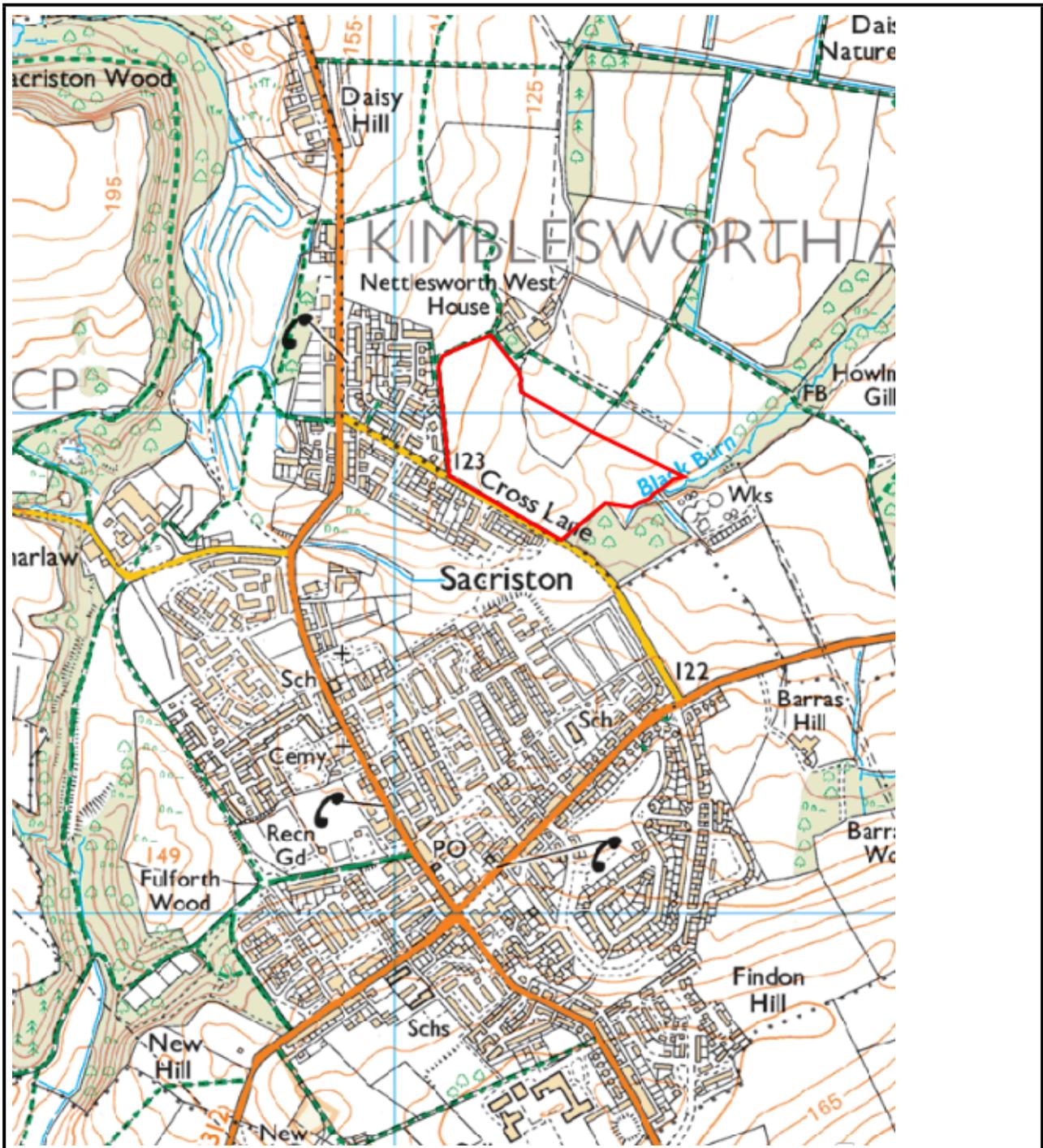
Chester-le-Street Local Plan 2003

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



Planning Services

DM/15/03019/OUT. Hybrid application, outline development 3.8ha of land (approximately 116 dwellings) (all matters reserved) and full planning application for the erection of 84 dwellings with associated access, infrastructure, landscaping and car parking and access.(amended description), Land On The North East Side Of Cross Lane, Sacriston

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Comments

Date June 2017	Scale Not to scale
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00713/FPA
FULL APPLICATION DESCRIPTION:	Reconfiguration and resurfacing of three sports pitches including the erection of associated floodlight columns and enclosures, hard and soft landscaping, and revised access arrangement and car park layout
NAME OF APPLICANT:	Durham University
ADDRESS:	Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham, DH1 3SE
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Henry Jones, Senior Planning Officer, 03000 263960, henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers an area of 13ha and encloses the existing sports facilities south and west of the River Wear at the Maiden Castle site. These facilities comprise of;
 - a grass cricket pitch, pavilion building and football pitch in the west;
 - a boat house, grass football pitch surrounded by a running track and three tennis courts in the north;
 - two 3G artificial hockey pitches, one water based hockey pitch and one sand based hockey pitch in the south-east
 - Towards the centre of the site a sports centre building, principal and overflow parking areas are located.
2. Vehicular access to the site is formed off the A177 which runs adjacent to the southern boundary of the site. To the north of the site, beyond the River Wear, further sports pitches are located. To the east, again beyond the River Wear lie agricultural fields. Bordering the site to the north-west is Great High Wood.

The Proposal

3. A 3G pitch would be formed within the space enclosed by the existing running track in the north of the site. The pitch would be formed of green astroturf with rubber crumb. The plans indicate Durham University and sponsorship logos to the side of the pitch stiched into the astroturf. The pitch would have a porous sub base where

water would be directed to new drainage. The pitch itself would be enclosed with a 1.1m high weldmesh spectator barrier. Beyond this pitch and beyond the existing running track a perimeter fence weldmesh fence is also proposed of 1.83m in height. These enclosures are proposed to be dark green RAL 6005.

4. An existing sand based hockey pitch is proposed to be replaced with a water based hockey pitch and its position relocated approximately 35m to the south-east. This would result in the enclosed pitch coming to within 25m of the adjacent A177 as oppose to the present 60m. A further existing water based hockey pitch is not to be relocated but is proposed to be resurfaced.
5. The specification of these two hockey pitches is proposed to be the same. Both would have a green astroturf pitch surface. Adjacent to the pitch would be a run-off area in "Durham University purple", dug-out zones, sprinklers for watering the pitch and a 1.2m high weldmesh enclosure surrounding the pitch. Spectator zones set on a 300mm concrete slab are proposed at pitch-side and between these a 3G artificial turf warm-up strip. Beyond and enclosing the pitches, would be perimeter fencing which would comprise of 3m weldmesh fencing save for sections behind each goal where a 4.5m high enclosure would be utilised.
6. Both hockey pitches would be served by replacement floodlighting columns which are proposed to be 15m in height, with eight such columns serving each pitch.
7. Replacement lighting is also proposed to the car park and circulation spaces. Within the main car park and the pedestrian route between the A177 through to the boat house building adjacent to the river, lighting columns are proposed of between 5.5m-6m in height. Within the overflow car park 0.97m high lighting bollards are proposed.
8. The main car park itself is proposed to be redesigned. At present vehicles access and exit the site from a single point off the A177. The proposals seek to alter this so that a separate vehicular entrance and exit would be formed. The access and egress point would also be moved approximately 35m to the south-east. No change in overall parking provision is proposed, however, with the provision for 250 car and 16 coach parking spaces. Overflow areas are to be more formalised with the provision of concrete reinforced grass.
9. Adjacent to the existing boat house building a new javelin track is proposed.
10. The proposals would result in tree works including the loss of 56 trees as a result of the development works or because they are considered of unsuitable condition for retention. Some sections of hedgerow are also proposed for removal.
11. During the course of the determination of the application amendments to the application proposals have been made. Principally these amendments relate to the extent of tree works, precise access arrangements, height of lighting columns, enclosure details and precise drainage strategy. The above description of the proposals reflects the final, amended scheme.
12. The application is being reported to the County Planning Committee as it constitutes a major non-residential development proposal over 2 hectares in area.

Background

13. It should be noted that this application seeks planning permission only for the sports pitch rationalisation works and associated development described above. Durham University has future aspirations for further development at Maiden Castle and the University has undertaken public consultation in respect to this wider redevelopment proposal. As outlined in the publicity and consultation section of this report, Whinney Hill Community Group has objected on the grounds that a comprehensive proposal indicating all development proposals sought by the University should be submitted as wider impacts could occur and essentially a comprehensive assessment of this is needed.
14. However, it is acceptable in principle for the applicant to apply for separate planning permissions for the various phases of development which they may seek. Each application should be considered on its own merits. If, however, there are any issues of cumulative development then this will need to be considered as part and parcel of each subsequent application.

PLANNING HISTORY

15. 4/12/01149/FPA - an application for the construction of new synthetic rubber crumb pitch including 3m and 5m high perimeter fencing and floodlighting was approved in June 2013.
16. 4/09/00860/FPA - the erection of detached boat-store building, embankment steps and river landing, realignment of flood levee bund and riverside footpath, with hard and soft landscaping works and tree planting was approved in December 2009.
17. 4/08/01073/FPA - the proposed construction of synthetic rubber crumb rugby pitch including erection of floodlights and 3.0m high perimeter fence was approved in February 2009.
18. 4/08/00408/FPA – the proposed erection of new sports facility building consisting of main cricket/fencing hall and ancillary rowing tank with connecting covered link to a new boat house was withdrawn in September 2008.
19. 4/04/00082/FPA – the provision of hard surfacing, lighting units and feature tree planting on existing car park was approved in March 2004.
20. 4/02/00139/FPA - the erection of water storage tank and associated pump house was approved in March 2002.
21. 4/00/00791/FPA - internal alterations to form mezzanine floor and replacement of section of external glazing to north elevation of building was approved in December 2000.
22. 4/00/00601/FPA - alterations to main entrance were approved in September 2000.
23. 4/99/00758/FPA – erection of substation and transformer compound were approved in February 2000.
24. 4/99/00523/FPA – provision of sewage pumping station and associated underground piping was approved in October 1999.

25. 4/98/00201/FPA – provision of extensions & alterations to sports centre to enlarge indoor surface, form new offices, fitness gym, main entrance, provision of additional all weather hockey pitch, fences, floodlights, parking and landscaping was approved in July 1998.
26. 4/96/00714/FPA – erection of 8 no. replacement floodlights and columns to existing weather hockey pitches were approved in December 1996.
27. 94/0720 – the erection and display of a temporary advertisement hoarding was approved in October 1994.
28. 4/84/816 – extensions to existing sports centre and new entrance were approved in November 1984.
29. 80/720 - the construction of netball pitch was approved in August 1980.

PLANNING POLICY

NATIONAL POLICY

30. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
31. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. 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.
32. *NPPF Part 1 – 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 of a low carbon future.
33. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
34. *NPPF Part 7 – Requiring Good Design.* 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an

appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

35. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
36. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
37. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
38. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
39. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

40. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; 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:

41. *Policy E1 – Durham City Green Belt.* Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
42. *Policy E6 – Durham City Centre Conservation Area.* States that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
43. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
44. *Policy E14 – Protection of Existing Trees and Hedgerows.* Views hedgerows and trees as a valuable resource to be protected when new development is being considered.
45. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.
46. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
47. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
48. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
49. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
50. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
51. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of

regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.

52. *Policy T1 – Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
53. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
54. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists.
55. *Policy T21 – Walkers Needs.* The Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
56. *Policy R8 – New Recreational Facilities.* States that new recreation facilities will be approved subject to the acceptability of their appearance, accessibility and car parking provision and subject to the proposals according with other relevant Local Plan policies.
57. *Policy R10 – Recreation and Leisure in the Countryside.* States that new recreation facilities will be approved in the countryside subject to specific criteria being met including that such development is not detrimental to; the openness of the Green Belt areas of high landscape value; heritage assets; public rights of way; the local road network or; the amenities of neighbouring residents.
58. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
59. *Policy C3 – University of Durham.* This policy supports proposals by the University which amongst other criteria strengthen its role as a major social, sports and recreational asset and its contribution to the local economy and cultural life.
60. *Policy Q1 – General Principles – Designing for People.* The layout and design of development should take into account the requirements of users including personal safety and crime prevention and accessibility requirements.
61. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
62. *Policy Q4 – Pedestrian Areas.* States that pedestrian areas and public spaces should be laid out with good quality materials in accordance with general design principles.

63. *Policy Q5 – Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
64. *Policy Q6 – Landscaping – Structural Landscaping.* States that all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
65. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
66. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
67. *Policy U9 – Watercourses.* Requires that development proposals which may directly affect watercourses do not result in flooding, pollution, harm to nature conservation or harm to visual amenity.
68. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.
69. *Policy U11 – Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
70. *Policy U12 – Development near Contaminated Land.* Measures must be undertaken which would be sufficient to stop contaminants leaches or gases penetrating the site and accumulating in buildings and structures which could be harmful gases should be prevented from migrating into surrounding land.
71. *Policy U13 – Development on Unstable Land.* States that development on unstable land will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.
72. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

EMERGING PLAN:

73. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of

consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

74. *Highway Authority* – Raise no objections. Originally, some queries and requests for clarification on access design and parking provision were raised. Following the receipt of amended documentation and responses it is confirmed that the development is acceptable from a highways perspective. The adjustments proposed to the car park would be an improvement and the amendments to the main pedestrian and vehicular access/egress arrangements would be beneficial from a highway safety perspective.
75. *Drainage and Coastal Protection* – Following the submission of additional information in respects to drainage layout, hydraulic calculations, infiltration test results and landscaping proposals no objections are raised and the proposals are considered acceptable and suitable for approval from a drainage perspective.
76. *Sport England* – Raise no objections. It is considered that the proposals would provide sports facilities of sufficient benefit so as to outweigh the detriment caused by any loss. Conditions are recommended in respects to approval however, relating to; final design details of the 3G pitch; a scheme of continuity of the existing use of the sports facilities during construction; confirmation that the pitches meet the relevant sporting body construction standards and are registered as such; entering into of a community use agreement.
77. *Coal Authority* – Raise no objections to the development. Originally it was recommended that a condition on any approval requiring the implementation of intrusive site investigations and as necessary remediation measures was required. However, additional information has been received from the applicant and the Coal Authority are now satisfied that no such intrusive investigation is now required.
78. *Historic England* – Raise no objections with regards to the impact of the development upon heritage assets. Consideration should be given to the final car parking lighting strategy as higher columns will add to the general visual clutter which cumulatively detracts from the rural character of the area.
79. *Environment Agency* – Raise no objections. It is stated that any works within 8m of the River Wear may require a permit from the Environment Agency. No development including fences, bunds etc should be placed within 5m of the landward toe of the floodbank in the interests of maintenance.

INTERNAL CONSULTEE RESPONSES:

80. *Landscape* – Raise no overall objections as such but some areas of concern over the impact of the development are raised. The site is identified as being located within a designated Area of High Landscape Value. The development would result in the loss of trees. Some of these trees have some intrinsic value in themselves and all contribute in varying degrees to the screening and assimilation of existing facilities. The loss of the trees would have a localised effect in views from the A177, resulting in some attractive and established features being lost to the development and views opening up of the built development within the site.
81. It is stated that, in part the proposals have been designed to be compatible with future phases of development and this affects the number of trees which can be retained as a result. It is acknowledged that amended information submitted during the course of the application has reduced the overall tree loss proposed with the notable retention of the double line of 37 semi-early mature Alder trees.
82. The reconfiguration and refurbishment of the pitches including rationalisation of fencing and lighting would not have a substantial effect on the general character of the area provided that lighting columns do not increase in height and lighting in the overspill car park in terms of number of columns and periods of operation is kept to the minimum. Amended information submitted during the course of the application identifies that sight visibility splays at the site access would result in no further loss of landscaping features.
83. In summary, the overall effects of the proposals on the character of the landscape in the round would be a perceived intensification of the urbanising effects of the current facility in the short to medium term and a gradual reduction in those effects in the medium to long term in more general views as new planting matured. The proposals would be likely to cause some localised harm to the special character and quality of this part of the Area of High Landscape Value but with some slightly more widespread benefits in the longer term. Should the application be approved a detailed landscaping scheme based upon the submitted masterplan should be conditioned.
84. *Design and Conservation* – Raise no objections overall. The development is considered to result in negligible impacts upon designated heritage assets in the vicinity of the site. However, opportunities to improve the scheme are raised namely; loss of corporate branding to the perimeter of the pitches; seeking to ensure that lighting columns and associated light spillage is no worse than the current situation.
85. *Ecology* – No objections are raised in principle and subject to the implementation of recommendations and mitigation measures contained within the submitted ecology report. It is stated that further bat activity surveys should be undertaken to inform on any scheme of proposed lighting of the woodland footpath.
86. *Access and Rights of Way* – Raise no objections. The proposals provide an opportunity to improve existing footpaths in close proximity to the site. Should the future phase 2 proposals for the site be forthcoming then footpath improvements/upgrades will be sought.
87. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. There is the potential for emissions of dust and the comings and goings of heavy duty vehicles (HDV) during the construction phase of the development to affect air quality. As a result the applicant was asked to screen the number of likely HDV

movements as a result of the development against relevant criteria. Should the threshold be met an air quality assessment would be necessary. The applicant has provided this screening which confirms the number of HDV movements would not exceed the relevant guidance and as a result no air quality assessment is necessary for either the construction phase or indeed operational phases of the development.

88. *Environment, Health and Consumer Protection (Contaminated Land)* – Request additional information in respects to the potential for hydrocarbon contamination and implications on groundwater.
89. *Environment, Health and Consumer Protection (Light, Dust and Noise)* – Raise no objections. Impacts of the lighting proposals are considered unlikely to lead to any adverse impact. A construction management plan submitted during the course of the application is considered acceptable in regards to the construction phase of the development. In addition having regards to the relative isolation of the site from neighbouring property, slightly extended construction working hours are considered permissible at the site – 7.30am to 7.30pm Monday to Friday (inclusive) and 8am to 5pm on a Saturday.
90. *Sustainable Travel* – No objections raised. It is noted that the site is well served by frequent services on the A177. The site is incorporated into an overall travel plan implemented by the University.
91. *Archaeology* – No objections are raised and there are no requirement for any conditions in the event of an approval.
92. *Sustainability* – Raise no objections. The only comment raised is that the proposed flood lighting should meet the highest possible efficiency standards.

PUBLIC RESPONSES:

93. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. A total of two letters have been received, one letter of support and one letter of objection.

Objection

94. *Whinney Hill Community Group* – This proposal forms just phase 1 of a wider redevelopment proposal by the University. A comprehensive proposal indicating the full impact and implications of the overall development should be presented before residents. Though this current application merely relates to improving already existing facilities the subsequent phases will have major implications affecting highways, public access, increased footfall etc with a potential significantly negative impact across Durham City particularly in Elvet.

Support

95. *Rugby Football Union* – Endorse the submitted planning application stating that current facilities are at capacity and that the proposals will provide additional playing opportunities and reduce the issue of overplay on other pitches. The development can further strengthen links between the University, the RFU and local rugby communities. The suggestion by Sport England of a community use agreement is supported.

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:

APPLICANTS STATEMENT:

96. The proposed development will form one element of Durham University's proposed Estate Masterplan (2017-2027) objective for facilitating sustainable growth and student experience through enhanced sports facilities. The enhanced sports facilities will not only benefit the University, but also the wider community. The existing facilities at the site are at full capacity and do not meet the demands of the existing College and University Sport programme. The proposal will enable the site to remain in viable sports use and will be a first step to ensuring that the University's facilities are more attractive to host major, external sporting events that will raise the profile of the University, the City and the region.
97. Substantial work has been undertaken in preparing the proposals for the site, including pre-application meetings with the LPA, Historic England and key stakeholders as well as a public consultation with key stakeholders are residents.
98. The site is sustainably located and is accessible from Durham City and nearby University facilities. The proposed development contributes to all three dimensions of sustainable development and will deliver substantial benefits in each area. The improved facilities will contribute to supporting the sustainable growth and student experience of the University by providing improved facilities and will also enable the site to become more accessible and available for the wider community
99. The proposed development is an appropriate development in the green belt and solely relates to the reconfiguration and upgrade of three of the existing pitches with associated landscaping, access and reconfigured parking. The proposals will therefore not materially affect the visual appearance of the site in the context of openness and the green belt purposes, as set out in the NPPF.
100. The scheme falls within the definition of sustainable development, on which the NPPF encourages planning authorities to take a positive approach.

PLANNING CONSIDERATIONS AND ASSESSMENT

101. 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 Paragraph 212 of 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; landscape and visual impacts; heritage impacts; highways impacts; residential amenity and pollution; flood risk and drainage and; ecology. Other matters are also considered.

Development in the Green Belt

102. The application site is located within the Green Belt. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 85 that the Green Belt serves five purposes. At Paragraphs 89 and 90 it states that the construction of new buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, and at paragraph 87 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in “very special circumstances”.
103. CDLP Policy E1 relates to the Green Belt in general and in similarity to NPPF Paragraphs 89 and 90 establishes the forms of development that are considered appropriate. However, Policy E1 is considered only partially consistent with the NPPF as it is more restrictive than the guidance within the NPPF which introduces a wider scope of development that can be considered appropriate in the Green Belt. As the Policy is partially consistent with the NPPF it can be attributed weight in the decision making process.
104. One of the forms of development outlined at NPPF Paragraph 89 which is acceptable within the Green Belt is “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”. The proposal would constitute such a form of development and therefore is acceptable development in principle within the Green Belt.
105. The proposals principally entail the replacement and rationalising of development which is already in situ – replacement of pitches, movement of a hockey pitch, replacement of existing lighting columns and floodlighting with new lighting columns and floodlighting, redesign of the car park and access/egress arrangements.
106. Some elements of the development would involve the introduction of new features such as enclosures surrounding the proposed 3G pitch and running track in the north of the site, provision of grasscrete and lighting bollards to an overflow car park, provision of javelin and warm-up strips.
107. However, overall the degree of impact upon the openness of the Green Belt is considered commensurate with the impact of the current development at the site. Once the proposed works were complete the openness of the Green Belt would be preserved to the same extent as at present. In order to achieve this commensurate impact upon openness some amended submissions and clarifications have been necessary during the course of the determination of the application. Most importantly the applicant has confirmed that the 8 no. floodlights proposed around the hockey pitches are to have a maximum height of 15m, commensurate with those they are to replace rather than the originally proposed 20m which would have a materially different impact upon the openness of the Green Belt.
108. The development is therefore considered to comprise of appropriate facilities for outdoor sport and recreation which preserve the openness of the Green Belt. In respect to the further requirement at NPPF Paragraph 89 that the development would not conflict with the purposes of including land within it, Paragraph 80 of the NPPF sets out that there are five purposes of the Green Belt:
 - To check the unrestricted sprawl of large built- up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment

- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

109. The justification to CDLP Policy E1 highlights that of all the purposes for including land within the Durham City Green Belt the need for the designation so as to aid in preserving the special character of Durham City is of particular importance. The impact of the development upon heritage assets is considered in more detail elsewhere in this report; however, it is considered that no harm to the setting of Durham (City Centre) Conservation Area or indeed nearby Shincliffe Village Conservation Area would occur.
110. The development proposed would be restricted to the bounds of the existing built-up areas of the Maiden Castle site. There would be no new development poorly related to or detached from that which is existing, indeed much of the development proposed would be upon exactly the same land as at present. No conflict with regards to the Green Belt purposes of checking sprawl, preventing encroachment into the countryside or the preventing the merging of neighbouring towns would result. As the developments seeks to rationalise sport and recreation development which is already in situ and established at the site there is no conflict with the purposes of seeking to encourage the recycling of derelict and other urban land.
111. The development is therefore acceptable in the Green Belt in principle having regards to both CDLP Policy E1 and the advice within Part 9 of the NPPF.

Provision of the Sport and Recreation Facilities

112. As the proposal is sought by the University and seeks to rationalise existing sport and recreation facilities CDLP Policies C3, R8 and R10 are considered to be relevant to the development.
113. CDLP Policy C3 seeks to support proposals by the University which amongst other criteria strengthen its role as a major social, sports and recreational asset and its contribution to the local economy and cultural life. The enhancement of facilities at the site as proposed would accord with these aims by improving the sports provision at the site both for University and through public use as a result of community use of the facilities.
114. Policy R8 essentially seeks to encourage new recreation facilities subject to the location being acceptable having regards to identified key material planning considerations, those being; visual impact; accessibility; parking provision and also subject to the proposal according with other identified relevant CDLP Policies. In general, the proposal to rationalise and improve existing facilities draws support from this policy. Consideration of the specific impacts of the development in regards to visual and highways impacts are considered elsewhere in the report and likewise its compliance with any other relevant CDLP Policies.
115. CDLP Policy R10 relates to recreation and leisure facilities in the countryside. Again the policy essentially encourages such development provided that specific criteria are met relating to; visual impact; impact upon the Green Belt (discussed above); impacts upon the ecological, natural and historic environment; impacts upon public rights of way or other recreational routes; residential amenity; impact upon best and most versatile agricultural land; and highways matters. Consideration of many of these specific impacts is made elsewhere in the report. In general, the proposal to rationalise and improve existing facilities draws support from this policy. The development would result in no loss of land used for the purposes of agriculture.

116. It is noted that CDLP Policy R10 is permissive of leisure uses and “essential minor facilities for those uses” which the Policy defines as small changing rooms, unobtrusive spectator accommodation for outdoor sport or small stables. Therefore not all the development related to the sports facility rationalisation falls into this category – for instance the various lighting columns and indeed the car parking provision. However, regardless and as already explained, given that these various elements associated with the development would have no greater impact on the openness of the Green Belt and indeed the character of the countryside no objections to the principle of those features is raised. In general the proposal is considered to draw support from Policy R10 despite a degree of conflict with the precise forms of development which Policy R10 deems as acceptable associated facilities.
117. Part 8 of the NPPF seeks to promote healthy communities. In doing so paragraph 70 states that planning decisions should plan positively for community facilities including sports venues whilst at paragraph 73 it is stated that access to opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 of the NPPF seeks to protect existing sports facilities from harm or loss. The proposed rationalisation of the sports facilities at the site is considered to draw support from this NPPF guidance.
118. Sport England has raised no objections to the development subject to conditions, which can be added to any approval. It is also noted that the Rugby Football Union have written in support of the proposals.
119. As a result, officers raise no objections to the principle of the development having regards to the impacts upon the Green Belt or the nature of the development at the location. The development is considered compliant with CDLP Policies E1, R8, R10 and C3 which are considered either fully (C3) or partially (E1, R8 and R10) consistent with the NPPF and can be attributed weight in the decision making process. The proposal is considered compliant with relevant sections of Parts 8 and 9 of the NPPF.

Landscape and Visual Impacts

120. Though the above discussion considers the impact of the development in the context of the Green Belt, consideration must also be had to the acceptability of the development in more general landscape and visual impact terms.
121. The application is accompanied by a landscape and visual appraisal which concludes that the principal landscape and visual impacts of the development would result from the proposed tree loss and over time replacement planting would have a mitigating impact on this loss.
122. The application site lies within a locally designated Area of High Landscape Value (AHLV) to which CDLP Policy E10 applies. Essentially Policy E10 states that development that would have an unacceptable adverse impact upon the AHLV will be resisted.
123. In isolation, Landscape officers consider that the reconfiguration and refurbishment of the pitches including rationalisation of fencing and lighting would not overall have a substantial effect on the general character of the area.
124. However, the proposals would result in the loss of trees. Landscape Officers consider that in part the proposals have been designed to be compatible with future

phases of Maiden Castle redevelopment proposals at the site which are an ambition of the University. The application as originally submitted proposed the removal of 93 trees and this was in part due to the applicant seeking to agree all tree removals sought at the site including those which would relate to future, wider masterplan proposals for Maiden Castle.

125. The applicant was advised that any proposed tree loss should be proportionate to the development proposals sought at this point and that further significant tree loss on the basis of future proposals could not be justified. As a result amended information has been submitted and the overall tree loss proposed under the application has reduced from 93 to 56 and this includes in the opinion of Landscape officers the notable retention of the double line of 37 semi-early mature Alder trees.
126. The development would still result in notable tree loss including trees of a maturity which all, to varying degrees, contribute to the visual amenity of the area and to screening the built-up areas of the site.
127. Much of the tree loss would result from the alterations to the car park. The applicant has submitted additional statements to support the reasoning for the degree of tree loss and particular focus is placed on the current inadequate layout of the car park and the benefits that the rationalisation would have in respects to the access arrangements, separate pedestrian and vehicular routes. This is supported by the comments of the Highway Authority who state that the adjustments proposed to the car park would be an improvement and the amendments to the main pedestrian and vehicular access/egress arrangements would be beneficial from a highway safety perspective.
128. In order to compensate for the tree loss a replacement soft landscaping scheme is proposed. This scheme proposes the planting of 215 trees which in sheer numerical terms far exceeds the loss. However, a new soft landscaping scheme would clearly take time to mature.
129. Landscape officers conclude that the overall effects of the proposals on the character of the landscape in the round would be a perceived intensification of the urbanising effects of the current facility in the short to medium term and a gradual reduction in those effects in the medium to long term in more general views as new planting matured. The proposals would be likely to cause some localised harm to the special character and quality of this part of the AHLV but with some slightly more widespread benefits in the longer term.
130. On balance, it is considered that there would be some shorter term negative consequences as result of the tree losses proposed to facilitate the development. However, the rationalisation of the access and car parking arrangements would bring highway safety benefits. CDLP Policy E10 which seeks to protect areas of landscape value states that development which would have an unacceptable adverse impact upon landscape setting. Though some localised harm would occur as a result of the development it is considered this would not be to the extent of an "unacceptable adverse impact" to which the Policy refers and that the development proposals remain compliant with the Policy as a result.
131. CDLP Policy E14 relates to development which affects trees and hedgerows and in part seeks to ensure that proposals retain important trees and hedgerows wherever possible and replace trees and hedgerows of value which are lost. Though potentially a development could be devised which could result in fewer than 56 trees being lost this could well be at the expense of the highway safety benefits of the development and some tree loss is certainly inevitable as a result of the proposals.

The amount of tree loss proposed has been reduced considerably during the course of the application and compensatory planting proposals are significant. As a result the proposals are considered to comply with CDLP Policy E14.

132. Aside from the landscape implications of the development, all other visual and design impacts of the development are also considered to be acceptable. It is noted that Historic England state that consideration should be given to the final car parking lighting strategy as higher columns will add to the general visual clutter which cumulatively detracts from the rural character of the area. The higher columns proposed of 5.5m-6m in height and indeed the 15m high floodlights would have a commensurate visual impact in comparison to the floodlights and columns which they are to replace. Additional lighting bollards to some pedestrian and overflow parking areas are less than 1m in height and would have limited impact beyond their immediate vicinity.
133. The application is accompanied by an external lighting scheme design note which identifies the impacts of light spill at night-time. This report has been assessed by Environment, Health and Consumer Protection and it is advised that the impacts of the lighting proposals are considered unlikely to lead to any adverse impact. The visual impacts of the lighting scheme are therefore considered acceptable.
134. Officers raise no objections to the visual impact, materiality or proposed colouring of the replacement pitches, enclosures, hard surfacing or other associated works.
135. In summary, the landscape and visual impacts of the development are considered acceptable and compliant with the relevant sections of CDLP Policies E10, E14, E15, R8, R10, Q1, Q2, Q4, Q5 and Q6. These Policies are considered either fully (E14, E15 Q1, Q2, Q4, Q5 and Q6) or partially (E10, R8, R10) consistent with the NPPF and can be attributed weight in the decision making process. The proposal is considered compliant with relevant sections of Parts 7 and 11 of the NPPF.

Heritage

136. The site lies within a location where heritage assets are within relatively close proximity. The heritage assets situated within the context of the site and development proposals include but are not restricted to; Maiden Castle scheduled monument to the north; Durham City and Shincliffe Conservation Areas which border the site to the north, east and south; listed buildings including the Grade II Boundary Stone off the A177 to the west and Grade II Shincliffe Bridge to the south. In the wider context the site also forms part of the setting of the Durham Castle and Cathedral World Heritage Site (WHS), especially in views on the approach to Old Durham around the historic Kepier Estate.
137. The application is accompanied by a Heritage Statement which essentially concludes that no harm to any heritage asset would occur as a result of the development.
138. Historic England raises no objections to the development. The significance of the location of the site in regards to setting of the Durham and Shincliffe Conservation Areas, the World Heritage Site is emphasised but it is concluded that the development would result in no further heritage impacts beyond which the existing built-up areas of the site already make. The development would result in the replacement of a hockey pitch of an unsympathetic colour to one in more sympathy and this is identified as a benefit of the scheme in regards to heritage assets. The comment raised by Historic England in respects to the impact of the lighting columns is discussed in landscape and visual impact to this report section.

139. Design and Conservation officers conclude that any impacts upon the significance of heritage assets would be negligible.
140. In respects to matters of archaeology the application is accompanied by a geophysical survey and archaeological evaluation report which presents the results of trial trenching. No features of archaeological significance were found following the carrying out of trial trenching. Archaeology officers raise no objections adding that there is no requirement for any conditions in the event of an approval.
141. Officers conclude that no harmful impacts upon either designated or non-designated heritage assets would result from the development - the setting of Durham City and Shincliffe Conservation Areas would be preserved, as would the setting of listed buildings within the vicinity of the site and the World Heritage Site.
142. No conflict with the statutory duties 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 or to have special regard to the desirability of preserving a listed building, any features of special architectural or historic interest which it possesses, would result from the development.
143. No objections are therefore raised to the development having regards to the potential impacts upon heritage assets with the development considered compliant with CDLP Policies E6, E22, E23, E24 and R10 in this regard. These Policies are considered either fully (E22, E23 and E24) or partially (E6 and R10) consistent with the provisions of the NPPF and can be attributed weight in the decision making process. The proposal is considered compliant with relevant sections of Part 12 of the NPPF.

Highways Impacts

144. The application as originally submitted was accompanied by a Design and Access Statement and Planning Statement together with accompanying plans which outlined the proposed access and parking adjustments sought under the application.
145. Originally the Highway Authority raised some queries and requests for clarification on the precise access design and parking provision. During the course of the application additional information has been provided to detail and justify further these elements of the application. This included an access visibility splay drawing and autotrack assessment drawings.
146. Following the receipt of amended documentation the Highway Authority have confirmed that the development is acceptable from a highways perspective. It is also added that the adjustments proposed to the car park and access arrangements would be an improvement on the present arrangements and result in an improvement in highway safety terms.
147. Sustainable Travel officers raise no objections. It is noted that the site is well served by frequent bus services on the A177. The site is incorporated into an overall travel plan implemented by the University. As a result no separate travel plan is considered necessary for submission.
148. A number of registered public rights of way (PROW) are located on the boundary and within the vicinity of the site namely Footpath Nos. 32, 41, 43 and 54 (Durham City). The development would not directly affect the footpaths. Access and Rights of Way officers raise no objections to the development. It is suggested that the overall masterplan proposals at the site provide an opportunity to improve existing footpaths

in close proximity to the site. However, such improvements are more likely appropriate in any future development proposals which could increase visitors to the site. Such improvements are not deemed necessary under this application which is essentially rationalising facilities which are already at the site.

149. As a result no objections to the development are raised in respects to highways related matters with the development considered compliant with relevant parts of CDLP Policies T1, T20, T21, R8, R10 and R11. These Policies are considered either fully (T20, T21 and R11) or partially (T1, R8 and R10) consistent with the content of the NPPF and can be attributed weight in the decision making process. Though an applicable policy, T10 is considered inconsistent with the content of the NPPF and is therefore attributed very limited weight in the decision making process.

Residential Amenity and Pollution

150. By virtue of its Green Belt location the application site benefits from its relative detachment from neighbouring built development including residentially occupied sites. The East Durham College Houghall Campus is situated on the opposite side of the A177 and this site contains rooms which can be residentially occupied by students and this campus is located approximately 100m to the south-west of the application boundary. Concentrations of residential properties are located farther from the site boundary at the nearest parts of Shincliffe (approximately 115m to the south-east) and Whinney Hill (approximately 200m to the west.) Elements of the site which are affected by the development proposals themselves are in most instances farther still from these areas and properties.
151. As a result of the distances involved to properties beyond the application site and the nature of the development proposals, no objections are raised with regards for any potential for the development to cause any harm by reason of an invasion of privacy, loss of light, outlook or creation of any overbearing features.
152. Environment, Health and Consumer Protection officers have provided comments on the application. The content of the external lighting scheme design note, which has been amended during the course of the application, has been considered acceptable and provides details in respect of matters such as sky glow and light intrusion levels. Environment, Health and Consumer Protection Officers do not envisage any issues with regards to light pollution as a result of the development.
153. Environment, Health and Consumer Protection officers raise no specific concerns with regards to the potential for noise as a result of the operational phase of the development. As the proposal is rationalising existing sports facilities once all development is complete the noise implications of the development will remain commensurate with that existing.
154. In respects to the construction phase of the development Environment Health and Consumer Protection officers originally requested that a condition be added to any approval requiring the submission and approval of a construction management plan. The applicant has submitted such a management plan during the course of the application and Environment, Health and Consumer Protection officers have considered its content to be acceptable and negates the need for a further agreement under condition.
155. In respects to matters of potential site contamination Environment, Health and Consumer Protection officers have stated that additional information in respects to the potential for hydrocarbon contamination and implications on groundwater are required. Though these submissions have been made no confirmation has been

received that they are considered acceptable by Environment, Health and Consumer Protection. As a result in the event of any approval a condition to fully investigate these matters would be necessary.

156. In respects to matters of air quality, Environment, Health and Consumer Protection officers have stated that there is the potential for emissions of dust and the comings and goings of heavy duty vehicles (HDV) during the construction phase of the development to affect air quality. As a result the applicant was asked to screen the number of likely HDV movements as a result of the development against relevant criteria. Should the threshold be met an air quality assessment would be necessary. The applicant has now provided this screening which confirms the number of HDV movements would not exceed the relevant guidance and as a result no air quality assessment is necessary for either the construction phase or operational phases of the development.
157. Officers raise no objections to the development on the grounds of any potential harm to the amenity of nearby occupiers, site users or on general pollution and nuisance grounds. The development is considered compliant with relevant parts of CDLP Policies R10, U5, U11 and U12. These Policies are considered either fully (U11 and U12) or partially (R10 and U5) consistent with the content of the NPPF and can be attributed weight in the decision making process. The development is considered compliant with the relevant sections of Part 11 of the NPPF.

Flood Risk and Drainage

158. The application is accompanied by a flood risk assessment (FRA). The application site is located adjacent to the River Wear and the site is mainly located within Flood Risk Zone 3b (the functional flood plain), partly within Flood Risk Zone 3a and partly within Zone 2. Flood Risk Zones 3a and 3b are the areas most prone to flooding from rivers.
159. Where development is sought within zones of higher flood risk an application must pass a sequential test the purpose of which is to ensure that a sequential approach is followed to steer where possible new developments to areas with the lowest probability of flooding.
160. The application is accompanied by a sequential test. The sequential test searched for potential alternative sites for the development and the search focused upon sites within a 20 minute walk to any Durham University facility, sites contained within the County Durham Open Space Needs Assessment (which identifies recreational land across the County) and any Durham University owned land (also within the specified walking distance). Such an approach to the search area is considered appropriate. The sequential test assessed 16 sites and concluded for a variety of reasons that no reasonably available alternative sites are appropriate for the development. Officers accept the conclusions of the search for alternative sites and furthermore it is also considered that the development is essentially renewing and rationalising existing development. The development is not seeking to introduce a new use to the site.
161. In addition to the sequential test, in some instances, a further exception test must also be passed the purpose of which is to require an application to further demonstrate that flood risk to people and property will be managed satisfactorily by proving that the development will be safe for its lifetime and that the development has wider sustainability benefits to the community which outweigh the flood risk.
162. However, the exception test does not need to be undertaken in respects to all development and the proposed outdoor sports and recreation facilities are classed

as water-compatible development. This form of development does not require the exception test to be passed.

163. During the course of the application to address the original requests of Drainage and Coastal Protection officers additional documentation and plans with regards to the drainage proposals for the site were submitted. Surface water drainage is proposed to retain and improve upon existing drainage infrastructure at the site utilising filter drainage to a soakaway. Discharge to the River Wear is to be provided only as an overflow (as at present) and limited only to those surface waters which the ground cannot accept. Such an approach is considered to accord with the hierarchy for surface water disposal which advocates soakaways and discharge to watercourses above disposal to the mains drainage system. Drainage and Coastal Protection officers have raised no objections to the application submissions as amended and consider that the surface water disposal proposals can be approved.
164. The Environment Agency has also raised no objections to the proposals. As the development does not relate to any new buildings as such it is considered that there are no foul water disposal considerations.
165. The development is considered acceptable from a drainage and flood risk perspective and compliant with CDLP Policies U8a, U9 and U10. These policies are considered either fully (U8a) or partially (U9 and U10) consistent with the content of the NPPF and can be attributed weight in the decision making process. The development is considered compliant with relevant sections of Part 10 of the NPPF.

Ecology

166. The application is accompanied by an ecological report the scope of which included a desk based assessment and Phase 1 Habitat Survey site assessment. The report included consideration of the potential to affect protected species and potential impact upon statutory and non-statutory designated ecological sites in the vicinity of the site. These include Houghall, Maiden Castle and Little High Woods Local Wildlife Site 1 (LWS) which borders the site to the north and east, Houghall, Maiden Castle and Little High Woods LWS 2 (755m east), Pelaw Wood LWS (675m north) and Shincliffe Wood LWS (1.2km south).
167. The ecological report considers that it is unlikely the development would affect any designated ecological sites. No direct impacts upon protected species are considered likely to occur and no further survey work necessary. However, mitigation measures are considered necessary relating to controls on the timing and/or methods of vegetation clearance to protect any active birds nests and that the renewed lighting is installed in a sensitive manner, designed to reduce light spillage. The separate lighting design note acknowledges these ecological restrictions and has been designed with this ecological sensitivity in mind.
168. Ecology officers raise no objections to the development. Officers note that further bat activity surveys should be undertaken to inform on any scheme of proposed lighting of the woodland footpath (to the north of the site). However, this matter does not relate to this planning application and is a separate potential footpath improvement being considered by the University.
169. As no impacts upon any European Protected Species (EPS) are considered to result from the development there is no requirement to assess the likelihood of a EPS license being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012).

170. The development is considered acceptable in regards to matters of ecology and nature conservation and compliant with CDLP Policies E16, E18 and E19. These Policies are considered either fully (E16 and E19) or partially (E18) consistent with the content of the NPPF and can be attributed weight in the decision making process. The development is considered compliant with the relevant sections of Part 11 of the NPPF.

Other Issues

171. The application site is located within the Coal Authority defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application includes a Coal Mining Risk Assessment the content of which the Coal Authority raise no objection to. Though the Coal Authority originally stated, that an intrusive site investigation should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues, further information has been supplied by the applicant and this is no longer a required. No objections are raised to the development with regards to matters of coal mining legacy or land stability having regards to NPPF Part 11 and CDLP Policy U13 this policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.

172. CDLP Policy U14 seeks to encourage energy efficient materials and methods of construction. This policy is considered consistent with the NPPF and can be attributed weight in the decision making process. In this instance there is little built development proposed which would enable such an approach but Sustainability Officers do raise the comment that the proposed flood lighting should meet the highest possible efficiency standards. The applicant and submitted lighting design note confirms that this is the case.

CONCLUSION

173. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.

174. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking where a proposal accords with the provisions of the Development Plan and that Plan is not absent, silent or out of date in regards to the development then that application should be approved without delay (unless material planning considerations indicate otherwise).

175. In this instance the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. The proposal is considered to accord with the CDLP and as a result the NPPF directs that the application should be approved without delay.

176. In this instance no material planning considerations are considered to indicate that the development should not be approved. All aspects of the development are

considered compliant with both the CDLP and NPPF. Key to this is the acceptability of the proposal within the Green Belt.

RECOMMENDATION

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations and mitigation measures contained therein:

Plans:

Autotrack Assessment Elite Coach/Sheet 1 of 2 ATR009 Rev 00
Autotrack Assessment Elite Coach/ Sheet 2 of 2 ATR010 Rev 00
Tree Removal and Replacement 6959-LD-PLN-102 D
Landscape Masterplan 6959-LD-PLN-001 Issue K
Site Entrance Indicative Visibility Splay CSK007 01
3G Sports Pitch General Arrangement Drawing LD-PLN-201 Issue D
Water Based Hockey Pitch General Arrangement Drawing LD-PLN-200 Issue D
Warm-up Strip Specification 6959-LD-DET- 609 Issue B
Pitch Construction Details 6959-LD-DET- 608 Issue B
3G Sports Pitch Specifications 6959-LD-DET- 606 Issue C
Waterbased Hockey Pitch Specifications 6959-LD-DET- 604 Issue C
Waterbased Hockey Pitch Specifications 6959-LD-DET- 601 Issue C
Existing Site Plan 3354-FBA-00-XX-DR-A-05_00-100 Rev P1
Preliminary Drainage Strategy CSK006 Rev 00

Documents:

Design Note – External Lighting Scheme 035953 Revision 03 by Burohappold Engineering
Surface Water Assessment Stage 3 035953 Rev 00 by Burohappold Engineering
Colour Scheme for sports pitches 6959.SK-2017-05-12 V1.0
Sports Pitches Technical Design Note 035953 Revision 01 by Burohappold Engineering
Ecology Report DurUni_MaidenCastle_Eco2.1 by Dendra
Drainage Assessment Doc No. 1014011-CL-RPT-001
Flood Risk Assessment 1014011_CL-RPT-002
Arboricultural Impact Assessment DurUni_MaidenCastle_AIA1.1 including Appendix 1
Construction Phase Plan Ref: HS&E-FRM-C01-01 Issue 06 Rev No. 06 (in relation to phase 1 only)

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E1, E6, E10, E14, E15, E16, E18, E19,

3. No development shall take place until:
- i. A Phase 2 Site Investigation and Risk Assessment to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications has been submitted to and approved in writing by the Local Planning Authority.

If the Phase 2 report identifies any unacceptable risks remediation is required and no development shall take place until;

- ii. A Phase 3 Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority detailing the proposed remediation measures to be undertaken. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of the remediation measures.

Upon completion of the remedial works (if required) then;

- iii. A Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors having regards to Part 11 of the NPPF. Required to be pre-commencement as the extent, if any, of site contamination and the means to remediate this must be confirmed prior to the development proceeding.

4. No development shall take place until a scheme to ensure the continuity of the existing sports use of the playing fields, artificial pitches and athletics facilities during the construction/demolition works is submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the sports facilities remain at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality to the existing sports facilities and shall include a timetable for implementation. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect playing fields and sports facilities from damage, loss or availability of use having regards to Part 8 of the NPPF and requirements of Sport England. Required to be pre-commencement as a scheme of continuity of use during construction must be agreed prior to the commencement of construction/demolition works.

5. No development of the 3G artificial grass pitch shall commence until precise details of the design and layout of the 3G artificial grass pitch, including precise details of the proposed fencing, spectator barriers, sub base construction and location of turn styles, have been submitted to and approved in writing by the Local Planning

Authority. The 3G artificial grass pitch shall not be constructed other than in accordance with the approved details before it is brought into use.

Reason: To ensure the pitch is designed to the appropriate standards having regards to Part 8 of the NPPF and the requirements of Sport England.

6. Use of the rationalised/replacement pitches hereby approved shall not occur until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(a) Certification that the 3G Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS)

(b) Confirmation that the 3G Artificial Grass Pitch has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

(c) Confirmation that the hockey artificial grass pitches irrigation systems and fields have been tested on completion to the FIH National Category

Reason: To ensure the pitch is designed to the appropriate standards having regards to Part 8 of the NPPF and the requirements of Sport England.

7. Use of the rationalised/replacement pitches hereby approved shall not occur until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement shall include details of pricing policy, hours of use, access by non-college/University users/non-members, management responsibilities and shall include a mechanism for review.

The approved Community Use Agreement shall be implemented upon commencement of use of the development.

Reason: To ensure that community use of the development occurs having regards to Part 8 of the NPPF and the requirements of Sport England.

8. Tree works, removal and protection shall be undertaken only in accordance with the content of the Arboricultural Impact Assessment DurUni_MaidenCastle_AIA1.1 including Appendix 1. The tree protection must be erected prior to the commencement of the development and retained in situ until the cessation of the development works.

Reason: In the interests of tree protection and visual amenity having regards to CDLP Policy E14.

9. Notwithstanding details contained within the plans and documents a scheme of proposed soft landscaping works based upon the details contained within submitted drawing Tree Removal and Replacement 6959-LD-PLN-102 D and Landscape Masterplan 6959-LD-PLN-001 Issue K shall be commenced within the first available planting season following the completion of the development and in accordance with a landscape scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Details of all soft landscaping including planting species, sizes, layout, densities, numbers
Details of planting procedures or specification
Finished topsoil levels and depths
Details of temporary topsoil and subsoil storage provision
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc
Details of the long term management proposals and details of the timescales of the implementation of the entirety of the landscaping proposals as approved.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the landscaping scheme shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to CDLP Policies E14, E15, Q5 and Parts 7 and 11 of the NPPF.

10. The rationalised/replacement pitches hereby approved shall not be brought into use until cycle parking provision for the development has been implemented/erected, full details of which must first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate cycle parking provision is implemented having regards to CDLP Policy T20 and Part 4 of the NPPF.

11. Notwithstanding any details or submissions within the application which indicate otherwise, the eight replacement floodlights hereby approved to serve the hockey pitches shall have a maximum height above ground level of no more than 15 metres.

Reason: To define the consent and to ensure the openness of the Green Belt is preserved having regards to CDLP Policy E1 and having regards to Part 9 of the NPPF.

12. No construction or demolition works or related activities including site deliveries shall take place outside of the following hours;

7.30am to 7.30pm Monday to Friday (inclusive) and 8am to 5pm on a Saturday.

No works shall occur on any Sunday or Bank/Public Holiday.

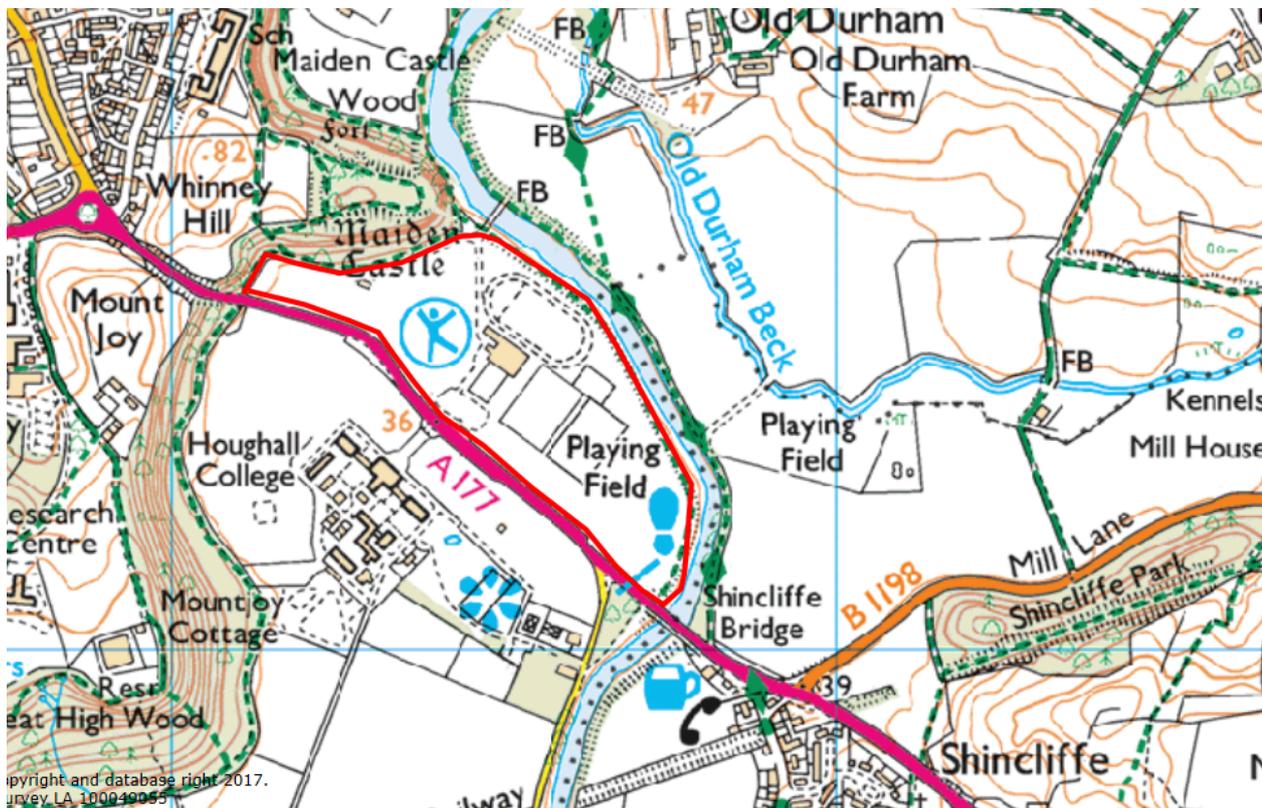
Reason: In the interests of the amenity of nearby occupiers having regards to CDLP Policy U5 and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- City of Durham Local Plan 2004
- Statutory, internal and public consultation responses.



Planning Services

DM/17/00713/FPA

Reconfiguration and resurfacing of three sports pitches including the erection of associated floodlight columns and enclosures, hard and soft landscaping, and revised access arrangement and car park layout at Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham, DH1 3SE

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Date June 2017

Scale Not to scale