



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### SITE

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

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

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

#### PROPOSAL:

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

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

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

17. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
18. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
19. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
20. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
21. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
22. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared

space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

23. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
24. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
25. *NPPF Part 12 – Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
26. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change -* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
27. *NPPF Part 15 Conserving and Enhancing the Natural Environment.* Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
28. *NPPF Part 16 Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.  
  
<https://www.gov.uk/guidance/national-planning-policy-framework>
29. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice

Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to mineral development and their working and restoration and the principal environmental issues of minerals working that should be addressed by mineral planning authorities. These include air quality, conserving and enhancing the historic environment, flood risk, light pollution, natural environment, noise, transport and use of planning conditions.

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

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

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

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

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

36. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
37. *Policy E21 – The Historic Environment.* This requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
38. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting harmful development and protecting features which positively contribute to the conservation area.
39. *Policy E23 – Listed Buildings.* This policy seeks to safeguard Listed Buildings and their settings from unsympathetic development.
40. *Policy E24 – Ancient Monuments and Archaeological Remains.* This policy sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ or requiring investigation and evaluation where preservation in situ is not necessary.
41. *Policy T1 – Transport – General.* This policy states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
42. *Policy T5 – Public Transport.* Encourages improvements to assist public transport including by ensuring that new developments can be conveniently serviced by public transport.
43. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
44. *Policy T20 – Cycling – Provision of Cycle Parking.* Sets out a requirement to encourage the provision of facilities for parking cycles in the City Centre and at other appropriate locations.
45. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including:

personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.

46. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
47. *Policy Q3 – External Parking Areas.* Requires that car parks should be landscaped, adequately surfaced, demarcated, lit and signed. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
48. *Policy Q4 - Pedestrian Areas.* Requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
49. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
50. *Policy Q6 – Landscaping – Structural Landscaping.* Requires all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
51. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
52. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
53. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
54. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas are unavailable; that no unacceptable risk would result; that no unacceptable risk would result elsewhere; or that appropriate mitigation measures can be secured.

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

## **EMERGING POLICY:**

### The County Durham Plan (CDP)

61. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

## Cassop Cum Quarrington Neighbourhood Plan

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

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

<http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

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

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

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

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

## **PUBLIC RESPONSES:**

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

## **APPLICANTS STATEMENT:**

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

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of the development

86. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains a statutory component of the development plan and is the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends on the degree of consistency with the NPPF.
87. The CDLP was adopted in 2004 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
88. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

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

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

#### Highways and Access

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

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

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

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

## Biodiversity

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

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

## Landscape

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

## Design

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

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

#### Cultural Heritage

116. In assessing an application, regard must be had to the statutory duties imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 imposes a statutory duty that, when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
117. CDLP Policies E21, E22 and E23 seek to restrict development that would have a harmful impact upon Conservation Areas, Listed Buildings and other non-designated heritage assets. Policy E24 advises that archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ or requiring investigation and evaluation where preservation in situ is not necessary. CDLP Policies E21, E22, E23 and E24 are considered only partially consistent with the NPPF but can be afforded weight in the determination of this application.

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

#### Residential Amenity

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

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

#### Flood Risk and Drainage

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

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

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

#### Contaminated Land

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

#### Coal Mining Risk

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

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

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

#### Recreational Space

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

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

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

#### Planning Balance

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

#### *Benefits*

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

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

#### *Adverse Impacts*

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

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## **CONCLUSION**

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

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

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

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## **RECOMMENDATION**

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

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

and subject to the following conditions:

### **Commencement**

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

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

### **Approved Documents**

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

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

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

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

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

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

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

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

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

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

### **Sustainable Travel**

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

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

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

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

### **Drainage**

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

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

### **Air Quality**

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

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

### **Ecology Mitigation**

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

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

### **Construction Management**

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

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

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

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

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

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

## **Community Use**

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

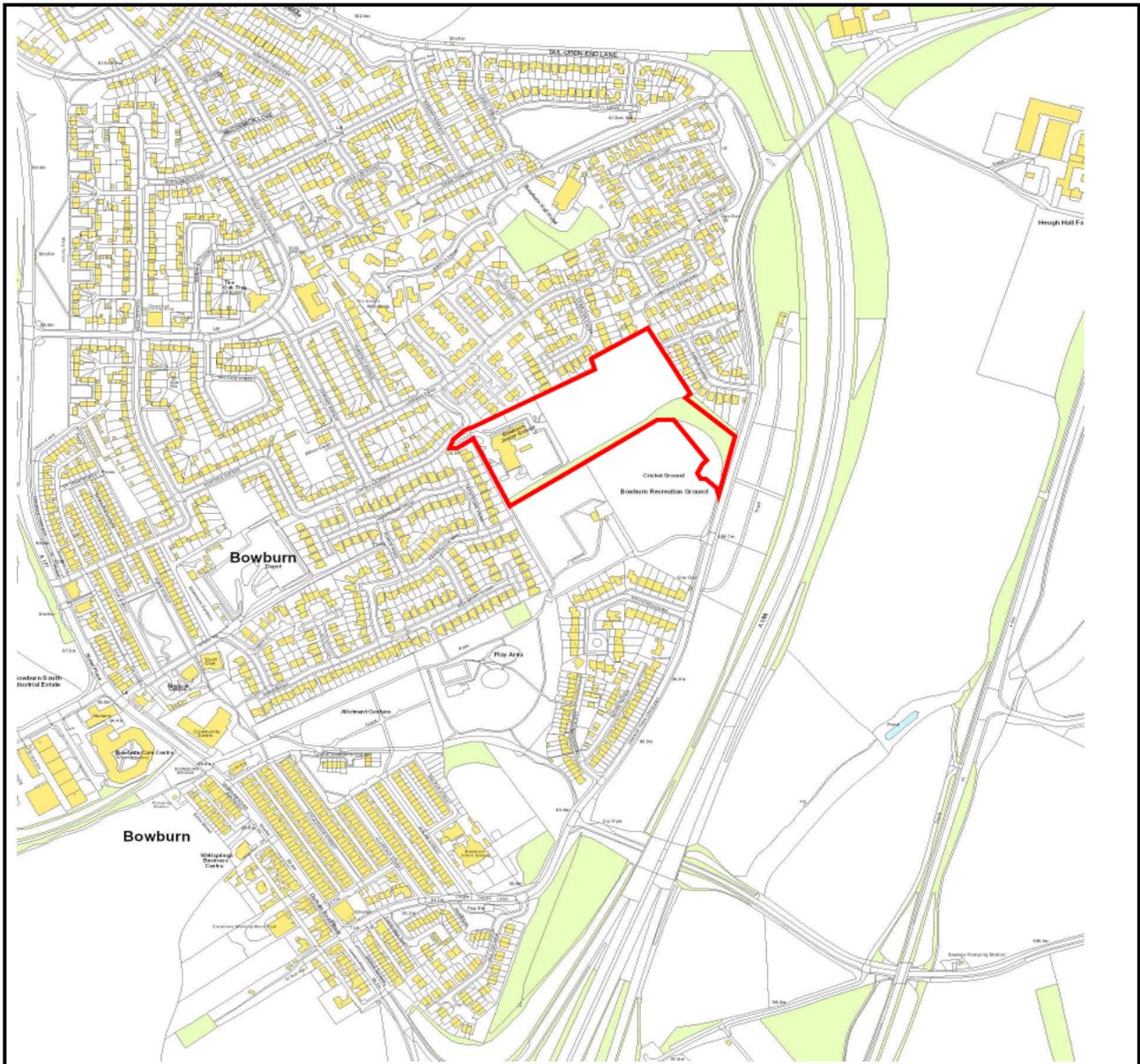
Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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



**Planning Services**

DM/19/01838/FPA

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

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**Comments**

**Date**

3 September 2019

**Scale**

Not to scale