

## COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION No:** DM/21/03574/OUT

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

**NAME OF APPLICANT:** Co. Durham Land LLP

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

**ELECTORAL DIVISION:** Framwellgate and Newton Hall

**CASE OFFICER:** Graham Blakey  
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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Background

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

#### The Site

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

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

## The Proposal

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

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

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## **PLANNING HISTORY**

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

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## PLANNING POLICY

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### NATIONAL POLICY

17. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
18. The following elements of the NPPF are considered relevant to this proposal.
19. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
20. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
21. *NPPF Part 5 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
22. *NPPF Part 6 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
23. *NPPF Part 8 – Promoting Healthy and Safe Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
24. *NPPF Part 9 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
25. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating

objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

26. *NPPF Part 12 – Achieving Well-designed Places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
27. *NPPF Part 13 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
28. *NPPF Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
29. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
30. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
31. *NPPF Part 17 – Facilitating the Sustainable Use of Minerals* – Amongst its advice, highlights the need to safeguard mineral resources including through the use of Mineral Safeguarding Areas and Mineral Consultation Areas.

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

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

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

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

## LOCAL PLAN POLICY:

### The County Durham Plan

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

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

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

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



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

#### **NEIGHBOURHOOD PLAN POLICY:**

##### The Witton Gilbert Neighbourhood Plan

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **EXTERNAL CONSULTEE RESPONSES:**

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

## **PUBLIC RESPONSES:**

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



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

## 116. In Objection

### Principle of the Development

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

### Highways Issues

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

### Amenity and Pollution

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

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

#### Design, Landscape and Heritage Impacts

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

#### Sustainability and Climate Change

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

#### Ecology

- Loss of habitat

#### Flood Risk and Drainage

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

#### Other Issues

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

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

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

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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122. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, sustainable development, addressing housing need, landscape and visual impacts, layout and design, heritage and archaeology, highway safety and

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

## The Principle of the Development

### *The Development Plan*

123. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
124. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
125. The provisions of the development plan need to be clearly understood in the context of these proposals. As a site allocated under Policy 4 of the CDP, the development of the site is considered acceptable in principle for new housing development. However, the context within which the principle of development is accepted requires consideration of the terms of CDP Policy 5. CDP Policy 5 sets aside two sustainable urban extensions to the city, of which this application forms only part of one wider comprehensive allocation. The policy outlines several site-specific criteria against which proposals must adhere in order to be in accordance with the policy when it is considered as a whole. These are: -
- a. Sniperley Park will be a sustainable urban extension incorporating a centrally located local centre which will act as the focus for community activity, including convenience retail provision for A1 floorspace and an allowance for A2, A3 and A4 units [uses now covered under Class E] to facilitate a viable and vibrant community. The local centre will also include a building suitable to be used as a health centre;
  - b. a new primary school will be provided of a scale which will meet the expected requirement for school places generated by the new housing development. The primary school should be readily accessible to public transport, walking and cycling routes. The primary school will contain associated playing fields which will replace those lost at the southern end of the site and will be of an equivalent or better quality; equivalent quantity and available for use by both the school and by community teams via a community use agreement;

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

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

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

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

### *Masterplan*

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

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

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

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

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

#### Sustainable Development

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



## Addressing Housing Need.

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

## Layout and Design

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

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

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

151. CDP Policy 29 also requires, in relation to major, non-residential development that the BREEAM minimum rating of “very good” must be achieved. The submitted Sustainability Checklist highlights that further details will be provided at the reserved matters stage. Whilst accepting that the non-residential elements of the development are applied for in outline only it should be noted that to achieve BREEAM ratings, consideration to it must be given at the early stages of development to avoid problems with achieving credits farther down the line. Any planning permission would be likely to be subject to a condition requiring that the reserved matters development achieves the required BREEAM rating.
152. It will be noted that a vehicular link through to the Bellway site is absent. In the absence of such a link this will affect public transport provision and access for the allocation as a whole. This further links to the comprehensive master planning requirement, fundamentally affecting the connectivity and sustainability credentials of the proposed development. Other connection issues are noted with regard to the positioning of the roundabout access from the A167 reducing bus service permeability into the site and placing more homes at greater distances from bus stops. This also conflicts with the requirements of the Council’s Masterplan which has this junction as a new roundabout and the formation of a gateway feature into the Sniperley Park allocation from the north.
153. The Council’s adopted Healthy Active Travel Connectivity Plan contains various measures to promote sustainable connections and healthy lifestyles across the allocation. The applicant has committed to principle of the circa £142,000 (drainage) and £410,000 (lighting) improvements contained within the Plan. However, there are specific elements which have not been the subject of a commitment from the applicant. A mobility hub which forms a part of the DCC Masterplanning work and is included within the Healthy Active Travel Connectivity Plan is not proposed. It is also unclear what is proposed in terms of any underpass (to the A167) improvement is proposed to match the requirements of the DCC masterplan. Elsewhere, cycle and ped links are shown as shared use and not segregated, as would be best practice. The connections across Potterhouse Lane to the compensatory open space were noted and welcomed.
154. Masterplanning of the site is required to ensure the delivery of the local centre as part of the allocation. Many existing services and facilities are some distance from the site, in excess of 1.5km, the local centre delivery is therefore fundamental. Discrepancies in the floorspace of the various uses proposed for the local centre are present across the submission. The submitted Planning Statement at paragraph 3.16 which cross references to the submitted land use parameter plan suggests the local centre (use class E/F2) would be a maximum of 750m<sup>2</sup>. Elsewhere such as within the ES Chapter L Appendix there is reference to greater provision with 750m<sup>2</sup> retail, 530m<sup>2</sup> GP/chemist and 530m<sup>2</sup> for restaurant proposed. Added to this is unresolved agreement between the applicant and the Council over the commitment of the applicant to the level of provision required to be provided on site. The applicant’s submitted draft masterplan for the allocation proposes 3 broad phases to the delivery of the site; however, inconsistencies in the submission remain and the timeframe for the delivery of the required school on site is left uncertain. Without this robust assurance from the applicant to meeting the needs of the proposed development and the existing community, the Council have unresolved concerns that the floorspace proposed for the Local Centre could be insufficient to adequately serve the development.
155. The same concerns apply in regard to the replacement and reconfigured playing pitch. The provision proposed is of adequate size both in terms of the dimensions of the pitches themselves and also in respect to their layout ensuring that there is adequate space so that they function adequately as a collective (see Public Open Space below).

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

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

## Landscape and Visual Impacts

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

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

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

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

## Heritage and Archaeology

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

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

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

#### Highway Safety and Access

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



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

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

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

#### *Local Highway Network Impacts*

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

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

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

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

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

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

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

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

#### *Public Transport, Walking and Cycling*

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

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

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

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

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

#### Amenity and Pollution

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

from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

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

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

## Ecology

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



## Drainage and Flood Risk

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

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

## Public Open Space

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

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

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

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

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

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

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

## Education

240. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school

places is available to meet the needs of existing and new communities. CDP Policy 5 (b) further supports this requirement and requires the provision of a primary school within the Sniperley Park allocation. This is based upon the evidence base within the CDP which was found to be sound by a Planning Inspector.

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

## Healthcare

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

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

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

#### Agricultural land classification

248. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.

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

#### Other matters

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

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

#### Public Sector Equality Duty

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

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## **CONCLUSION**

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

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

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## **RECOMMENDATION**

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

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



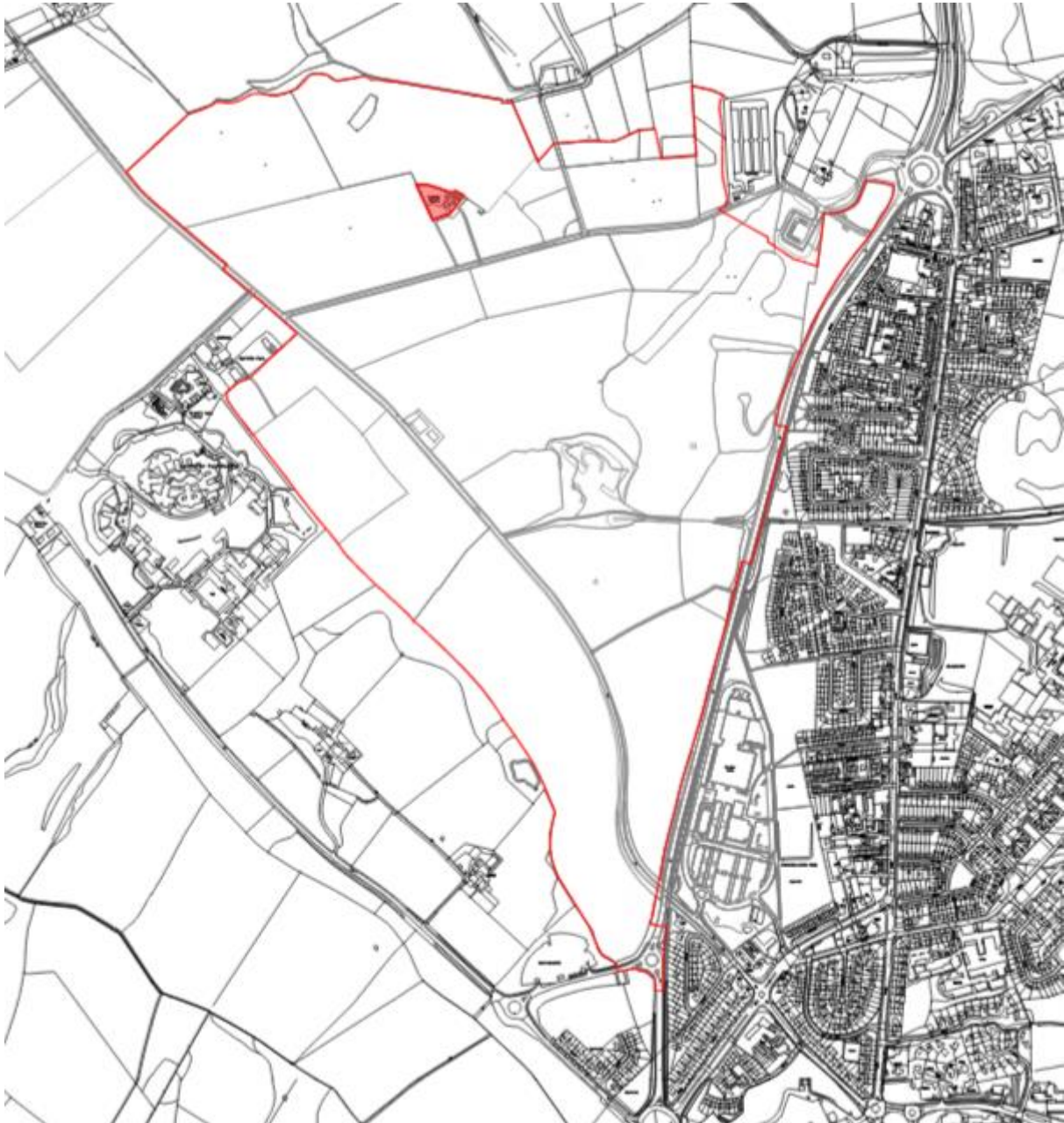
11. Failure to demonstrate fully the ability of the proposals to provide sufficient quantum and quality of playing pitch space with necessary ancillary provisions contrary to Policies 5 (b) and 26 of the County Durham Plan and Parts 8, 11 and 12 of the National Planning Policy Framework.
12. Failure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

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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 (2019)
- National Planning Practice Guidance notes.
- County Durham Plan (2020)
- Durham County Council Sniperley Park Masterplan (2022)
- Durham County Council Sniperley Healthy Active Travel Connectivity Plan by WSP (2022)
- Residential Amenity SPD (2019)
- Building for Life SPD (2019)
- Statutory, internal and public consultation responses



**Planning Services**

DM/21/03754/OUT

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

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**Comments**

**Date** 6<sup>th</sup> September 2022

**Scale** NTS