

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/03237/FPA
FULL APPLICATION DESCRIPTION:	Extension to Sniperley Park and Ride by 262 total bays accommodating 29 disabled bays, 18 electric charging bays and 4 motorhome bays
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Sniperley Park And Ride Sniperley Park DH1 5RA
ELECTORAL DIVISION:	Esh and Witton Gilbert Chris Shields
CASE OFFICER:	Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site extends to approximately 1.3 hectares (ha) to the west of the existing Sniperley Park and Ride site. It comprises predominantly agricultural land used for arable farming and some woodland plantation associated with the original park and ride site established for screening purposes. There is an existing hedgerow within the site and clusters and an older group of trees to the north east. Sniperley Farm, a vacant collection of farm and farm house buildings, is situated to the north west of the site. To the south of Sniperley Farm and bordering the site is Durham Community Fire Station. The A691 runs along the boundary of the site to the south west. There are no public rights of way within or adjacent to the site.
2. The nearest residential properties to the site are located approximately 160m to the south east at Sniperley Grove, 290m to the east at Westcott Drive and 550m to the north west at Sniperley Hall.
3. The site comprises an area of lowland agricultural habitats with areas of woodland and hedgerows all surrounding the parkland setting of Sniperley Hall. There are no Sites of Special Scientific Interest (SSSI) within 2km of the site. However, there are a number of Local Wildlife Sites (LWS) within 2km of the site, the closest is Bearpark Bog at approximately 390m to the south west of the site across the A691, Lower Browney Valley approximately 1km to the south west, Flass Vale approximately 1.2km to the south, Pity Me Carrs approximately 1.2km to the north east and Hoppers Wood approximately 1.3km to the east. There are also a number of Local Nature Reserves (LNR) within 2km of the site, Flass Vale is located approximately 1.2km to the south and Framwellgate Carrs is located approximately 1.2km to the north.
4. 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) approximately 2.4km to the south east; Durham City Conservation Area approximately 1.2km to the south east; Kimblesworth Grange Farmhouse with wall and outhouse attached (Grade II) approximately 2km to the north; Cottage and Stables c. 100m west of Kimblesworth Grange Farmhouse (Grade II) approximately 2km to the north; non- designated Lanchester Hospital (Former Earls House County Industrial School) approximately 850m to the north west; and non-designated Sniperley Hall, Sniperley Hall Historic Park and Garden of Local Interest and Sniperley Farm located approximately 500m to the north west of the site.

5. The site is not located within any designated landscapes but is bounded by an Area of Higher Landscape to the north, south and west. There are also no areas of ancient woodland, protected trees or trees in conservation areas within or in close proximity to the site. The site is located immediately adjacent to the Green Belt.
6. The site is located entirely within a Coalfield Development Low Risk Area and also within a mineral safeguarding area for coal and glacial sand and gravel. The site is also entirely within Flood Zone 1 and minor groundwater vulnerability zone and has been identified as containing areas of high, medium and low surface water flooding risk.
7. The site is located within the consultation zone for High Moorsley meteorological service and Newcastle Airport.

The Proposal

8. This proposal is a western extension to the existing Sniperley park and ride site and would provide 262 total bays including 29 disabled bays, 18 electric charging bays and 4 motorhome bays. The site would be accessed using the existing park and ride site entrance and would utilise the existing bus pickup and drop off point.
9. The extension to the park and ride site would involve the loss of some structure planting, hedgerow and trees that formed part of the screening for the original development. Mitigation planting would be provided as part of this proposal.
10. All proposed bays would comply with the dimensions stipulated within the Council's Parking Standards, namely 2.4m x 4.8m, with a 1.2m wide marked access zones for the proposed disabled parking. These markings would be replicated around the proposed electric vehicle (EV) bays, ensuring they can also be used by disabled parking bay users.
11. The site would be illuminated with LED lights on 18 No. columns measuring between 10m to 12m in height. The lights would be operational between dusk and dawn but would be turned off between the hours of 20:00 and 06:00 and at all times on Sundays to correlate with the operating hours of the park and ride facility. During events in the city the lights may be overridden to stay on longer if the park and ride site is still use after normal operating hours.
12. The proposed extension aims to reduce vehicle movements into the city, improve local air quality, and provide a green alternative to private vehicle use. The location of the facility is strategically connected to important roads, intercepting many vehicles that would have entered the city and contributed to air pollution.
13. It is anticipated that construction works would take 27 weeks with commencement in July 2023.

14. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

15. Planning permission was granted in 2004 for a Park and Ride site at Sniperley under reference 8/928/4/219. The site has been in operation since 2005.
16. The Council is currently considering 3 planning applications (DM/22/03778/FPA, DM/23/00591/OUT and DM/22/03712/OUT) as part of the Sniperley Park housing allocation.

PLANNING POLICY

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. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
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 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.
21. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.

22. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
23. *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.
24. *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.
25. *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.
26. *NPPF Part 15– Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
27. *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.
28. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

29. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport

assessments and statements; use of planning conditions; wastewater and water quality

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

30. *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.
31. *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.
32. *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.
33. *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.
34. *Policy 20 – Green Belt* – states that development proposals within the Green Belt will be determined in accordance with the national planning policy.
35. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
36. *Policy 22 – Durham City Sustainable Transport* – states that in order to reduce through-traffic in Durham city centre, various sustainable transport measures will be promoted. These include enhancing the current transport infrastructure in the city centre, improving walking and cycling paths that connect the University to the city centre, and implementing enhancements for walking, cycling, and public transport connections between Aykley Heads, Sniperley, Framwellgate Moor, Newton Hall, and the city

centre. Additionally, walking, cycling, and public transport improvements will be made to link Gilesgate, Dragonville, Carrville, Belmont, and the city centre. These efforts aim to encourage sustainable modes of transportation and alleviate congestion in the city centre

37. *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.
38. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
39. *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).
40. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
41. *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.
42. *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.
43. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will

only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

44. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
45. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
46. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
47. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
48. *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:

Witton Gilbert Neighbourhood Plan (July 2017)

49. *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.
50. *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.

51. *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.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and Adopted Witton Gilbert Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

52. *Highway Authority* – has raised no objections and support the application as it would reduce congestion on the road network by allowing commuters and visitors to park their cars at Sniperley and take the bus into the City Centre. The proposal would not harm the road network, and the use of the park and ride would actually reduce the number of private cars entering the City Centre, easing congestion on the A691 and A167. With the additional 262 bays, at least 262 car trips into Central Durham could be replaced by trips via bus, but turnover of each space across the day could remove even more trips via car from the local road network.
53. *Drainage & Coastal Protection (Lead Local Flood Authority)* – has raised no objections to the proposals. Officers have confirmed that the drainage strategy meets with their requirements.

INTERNAL CONSULTEE RESPONSES:

54. *Spatial Policy* – raise no policy objections to the application. Officers advise that the site is part of land allocated within Policy 4 (Reference H5) of the CDP for housing/mixed use development. It is a specific policy requirement of Policy 5 for the park and ride to be expanded, and this proposal would deliver that requirement. It would need to be ensured that off-site connections to the wider development cells are delivered when the main parties working on the planning submissions for Sniperley Park re-submit their application(s).
55. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections to the proposals. Officers have recommended conditions to limit construction hours and initially requested that a dust action plan be incorporated into the Construction Management Plan. A revised Construction Management Plan has now been submitted with the dust action plan included.
56. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal. Initially, officers requested additional information in relation to the potentially cumulative effects of the proposed development in combination with other developments, including the proposed Sniperley Park housing developments. Upon reviewing the additional information Air Quality officers were of the opinion that the proposed development would be acceptable.
57. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections to the proposals but have advised that an informative be included that

provides in the event any unforeseen contamination is encountered during construction.

58. *Ecology* – has raised no objections to the proposals. Officers have commented that the Preliminary Ecological Appraisal (PEA) is sufficient to assess the application and have requested that Section 7 of the PEA is delivered by condition. In addition, £60,000 would need to be transferred to the Councils Biodiversity Compensation Fund to mitigate the loss of habitat from the site.
59. *Landscape* – has raised no objections to the proposals. Officers have noted that the proposals would involve the removal of a significant portion of established structure planting and a hedge. The removal of this planting would reduce screening in this area and the introduction of the car park extension would have an urbanising effect. However, the proposals include the provision of structure planting along the outer boundaries, which, in combination with increased hedge height, is designed to gradually achieve visual density and screen the site in the medium to long term.
60. *Design and Conservation* – has raised no objections to the proposals. Officers have commented that there have been extensive pre-application discussions in relation to the parking layout and opportunities for landscaping. Officers have stated that those opportunities have been maximised.
61. *Archaeology* – has raised no objections to the proposals.

PUBLIC RESPONSES:

62. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. 2 letters offering comments have been received in response to the consultation.
63. The County Durham Green Party has commented that it supports the concept of the park and ride site but feels that there are opportunities being missed in relation to the path to net zero. This includes not incentivising use of the facility by pedestrians and cyclists, not setting up the site as a 'transport hub' and a lack of solar panels and fast chargers for buses. The absence of a dedicated cycle link from the proposed Sniperley Park housing allocation has also been criticised.
64. The City of Durham Trust has advised that it welcomes the expansion of the park and ride as a contribution to Durham's sustainable transport planning. However, the Trust criticises the minimal landscaping and suggest that the park and ride extension could be used as part of the parking requirement for the Sniperley Park development.

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

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

APPLICANTS STATEMENT:

65. The A167 and A691 are part of the Strategic Transport Network in County Durham and are key commuter routes into Durham city centre, however beyond the location of the existing Park and Ride site, the road network suffers from significant congestion on the approach to the City centre, particularly in areas such as Sniperley roundabout, Dryburn Road and Framwellgate Peth. The increasing economic development

planned in the city centre, as well as the removal of the Relief Roads from the Local Plan, could further impact the already congested road network. Traffic modelling has identified a benefit in extending the existing Park and Ride site in order to enable future development.

66. The Traffic modelling carried out has identified the requirement for an extended P&R site to intercept traffic from the A167 and A691 approaches to the City to alleviate forecast congestion on the existing road network. The site would have an additional 262 parking spaces with provision of:
- 13 additional disabled bays
 - 14 additional EV charging bays with a further 27 EV charging bays safeguarded through design
 - Extended CCTV coverage
 - Extended streetlighting coverage
 - Secure cycle storage provision
67. To ensure the site is suitably screened from external views, retained soil embankments with woodland planting are proposed. The extended carriageway and parking surface is proposed to be permeable, linking surface water to the existing sustainable urban drainage (SuDS) basin to the north of the existing site.
68. Benefits of the proposal include:
- An expanded P&R site aiming to meet future forecast demand.
 - An expanded, more sustainable mode of transport into Durham City Centre
 - An expanded, lower cost option to parking within the city centre
 - Increased interception of vehicular trips will remove vehicles from the city's highway network, improving air quality within Durham's Air Quality Management Area
 - Improved highway network resilience
 - Provision of EV charging bays
 - Secure cycle storage provision
 - Visual screening to minimise external views into the site
 - Provision of extended CCTV and streetlighting
 - Off-highway construction, minimising impact on road users during the construction phase

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, cultural heritage, safeguarded areas, agricultural land and public sector equality duty.

The Principle of the Development

70. 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) and the Witton Gilbert Neighbourhood Plan (WGNP) are the statutory development plans relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The WGNP was adopted in September 2019 and covers the period 2018 to 2033.

71. 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.
72. In light of the adoption of the CDP, and the WGNP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
73. The application site is located within the Sniperley area of Durham City and is adjacent to a site allocated for housing within CDP Policy 4 with the reference H5 (Land at Sniperley Park) for 1700 houses across the 107.8ha site. CDP Policy 4 states that applications which come forward for housing development on allocated housing land will be approved where they comply with other requirements of the CDP. Development of allocation H5 must be considered in the context of CDP Policy 5.
74. The Council led on the production of a Masterplan for Sniperley as a means to guide the future planning, design and development of the site as it moves towards delivery. The masterplan was subject to a public consultation (29 November 2021 to 14 January 2022) in order to seek views from interested parties. The comments received to the consultation were considered, with changes to the Masterplan implemented where necessary, and an updated version was formally adopted (22 June 2022) using agreed delegated powers, in consultation with Members. The masterplan is a material consideration, and it will be expected that any decision-maker have regard to its requirements.
75. CDP Policy 5 sets out a number of general requirements, to ensure that the site delivers attractive, well-designed places, incorporating sustainable development principles in accordance with Policy 29 (Sustainable Design in the Built Environment). Policy 5 also sets out several specific requirements for the site, and it is part k.) which is relevant to this proposal as it specifically requires the expansion of the park and ride facility at Sniperley Park. It specifies that “attractive and safe links between the housing and the existing park and ride facility will be created to maximise its use by residents”.

This is about ensuring that all the residential cells at Sniperley Park can connect into the linear park and footpath/cycle connections (which would run throughout the site) and use these network routes to arrive safely and logically at the P&R facility. This issue is also reflected within the 'Sniperley Park Sustainable Development Masterplan Vision Document' (2022) with the Masterplan Vision (P32, no.11) covering the P&R link and setting out the development will "enhance safe and attractive pedestrian and cycle links into expanded P&R".

76. CDP Policy 21 strives to deliver, accommodate and facilitate investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles. Investment in, and expansion of, the P&R facility would accord with this policy, particularly as there would be disabled and electric charging bays and the proposal will promote the use of public transport.
77. CDP Policy 21 also requires development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and that cycle parking or secure cycle storage should be provided to facilitate increased cycle use.
78. CDP Policy 22 seeks to reduce the dominance of car traffic, address air quality and improve the historic environment in Durham City and sets out further transport interventions which apply to Durham city. Part c.) relates to public transport improvements linking Sniperley with the city centre. This proposal to extend the existing park and ride would assist in delivering these improvements.
79. CDP Policy 24 states that new and improved transport infrastructure will be permitted where it is necessary to improve the existing highway network, minimises and mitigates any harmful impact upon the built, historic and natural environment and the amenity of local communities and makes safe and proper provision for all users, prioritising the movement of pedestrians, cyclists and public transport. Transport infrastructure proposals should also support economic growth, enhance connectivity either within the county or other parts of the region, accommodate future development sites
80. The proposed development has been identified as being a necessary highway improvement as part of CDP Policy 5. The specific impacts of the development are assessed in the relevant sections of this report, however, it is considered that the development would not cause significant harm to the built, historic or natural environment or the amenity of local communities. The facility would have level accesses, bicycle storage and access parking bays, providing access for all users and would enhance connectivity within the county. It is therefore considered that the proposal would accord with CDP Policy 24.
81. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes housing allocations. As this development forms part of the Sniperley Park housing allocation it is considered that the development could be allowed for by specific policies in the plan (CDP Policies 4 and 5). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
82. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon

the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.

83. The development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.
84. The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to enhance the sustainable transport provision for the city of Durham and it would therefore be resilient to, and assist in limiting, the impacts of climate change. It is therefore considered that the development would accord with CDP Policy 10.
85. The application site lies 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.
86. In summary it is considered that the development of the application site would accord with CDP Policies 4, 5, 10, 21, 22 and 24 as an extension to the existing Sniperley Park and Ride facility is specifically identified as being required under criterion k of CDP Policy 5. The development would also accord with WGNP Policy 1 as it is specifically allocated within the County Durham Plan.

Layout and Design

87. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. WGNP Policy 6 states that design should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character.
88. The development would provide an expansion of the existing parking area to allow more commuters and visitors to travel via bus link to Durham city centre and other more central locations. The western area of the existing vehicle parking area would be revised in order to accommodate the additional spaces proposed on land to the north of the existing facility. There would be no changes to the layout east of the central pedestrian footway.

89. Additional provision of electric vehicle parking and charging, as well as disabled parking would be provided near to the boarding area within the southern area of the site. The proposed layout would provide a total of 588 parking spaces. A footway would be provided to connect the expansion area to the boarding area. The existing access to the site would be retained. The parking area would be constructed of permeable tarmac.
90. Perimeter hedgerows would be retained and enhanced, with tree planting taking places within the site (oaks at periodic intervals within the site's internal perimeter verge). There would also be a minimum of 4m buffer zone from the proposed parking area and the A691 road and 10m from the adjacent A691 roundabout. The existing attenuation basin to the east of the site area would continue to manage surface water runoff and minimise the risk of flooding. No additional buildings are proposed for the site.
91. The City of Durham Trust and the Durham Green Party have commented that the application represents a missed opportunity in terms of connectivity to existing and proposed housing and that the proposed landscaping is insufficient. The Durham Green Party in particular recommended that the opportunities for the proposal to be used as a parking area of the Sniperley Park housing development should be explored.
92. Design and Conservation officers advise that there have been extensive discussions in relation to the proposed parking layout and opportunities for landscaping and it is considered that, in the context of what is effectively an extension to a car park, these opportunities have been maximised.
93. In response to CDP Policy 29 it is considered that the development would positively contribute to the character, landscape and townscape of the area. The design and layout of the proposal would be in keeping with the existing park and ride development, whilst also making optimal use of the available space. Whilst there would be a net reduction in overall planting on site there would still be adequate perimeter foliage to provide screening and to create a pleasant environment. The views of the City of Durham Trust and the Durham Green Party are noted but it is considered that the design, layout and landscaping of the proposed development is appropriate and in accordance with the masterplan for the wider site.
94. The applicant has not demonstrated that the proposal would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating but as this development does not include any buildings, habitable or otherwise, there is no requirement to achieve this endorsement.
95. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29, WGNP Policy 6 and Part 12 of the NPPF in respect of good design.

Access and Traffic

96. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.

97. A Transport Assessment (TA) has been submitted in support of the application. The TA provides a baseline assessment of the existing high conditions, considers access to the site, the development proposal and provides a park and ride demand model. The TS concludes that there would not be a significant impact on the surrounding highway network in terms of capacity and safety as a result of the development traffic
98. Highways officers have raised no objections and support the application as it would reduce congestion on the road network by allowing commuters and visitors to park their cars at Sniperley and take the bus into the City Centre. The proposal would not harm the road network, and the use of the park and ride would actually reduce the number of private cars entering the City Centre, easing congestion on the A691 and A167.
99. It is considered that the proposals have been appropriately assessed through a TA and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

100. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
101. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
102. The nearest residential properties to the site are located approximately 160m to the south east at Sniperley Grove, 290m to the east at Westcott Drive and 550m to the north west at Sniperley Hall.
103. A Noise Report has been submitted in support of the application. The assessment provides baseline data for the existing acoustic environment around the site and a

noise impact assessment carried out. Noise monitoring was conducted in February 2021 at a representative location near existing sensitive receptors with road traffic found to be the main source of noise. A BS4142 assessment was carried out based on peak 1-hour vehicle movements within the proposed car park. According to BS4142 and considering the site's context, the noise generated by the development is expected to have a low and insignificant impact on the existing noise sensitive receptors. The predicted change in traffic flow due to the development is minimal and is therefore expected to have a negligible noise impact on both existing and proposed sensitive receptors in the area. Consequently, no noise mitigation measures are deemed necessary during the operational phase. It has been concluded that the proposed development will not cause any adverse noise effects on nearby sensitive receptors and is projected to fall below the lowest observed adverse effect level (LOAEL).

104. A Construction Management Plan (CMP) has been submitted in support of the application. The CMP provides a framework for managing site activities during the construction period including site establishment, access, traffic, procurement of materials and services, fire and emergency procedure, security, health and safety, good housekeeping and dust, noise and vibration.
105. A lighting scheme has been submitted in support of the application. The scheme provides details of the locations and heights of the lighting columns within the site. There would be 18 columns ranging between 10m to 12m with 101 Watt LED lights. The lights would turn on at dusk and off at dawn but would be turned off at all times between the hours of 20:00 and 06:00 and off at all times on a Sunday to correlate with the closure times of the park and ride. This may be overridden during events when the park and ride is required for extended hours.
106. Environmental Health and Consumer Protection (Nuisance Action) officers have considered the submitted information and have not raised any issues but have requested a condition to restrict construction hours to 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.
107. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts during construction and operation. The assessment concludes that during the construction phase, by implementing site-specific mitigation measures, it has been determined that the effects of dust and fine particulate matter from earthworks, construction, and trackout would not be significant. The Construction Management Plan will ensure that construction vehicles and practices are carried out in a manner that minimizes any impact on existing sensitive receptors and the environment in terms of air quality and dust.
108. During the operation phase the assessment concludes that pollutant concentrations in 2023 and 2037, with the development in place, remain below the relevant annual mean objectives and limit values at the receptors considered. The assessment predicts a negligible or beneficial impact on concentrations of pollutants such as NO₂, PM₁₀, and PM_{2.5} at all 31 existing sensitive receptors in 2023 and 2037. In all scenarios considered, pollutant concentrations are predicted to be below the air quality objectives. Therefore, the effect of the proposed development on human receptors is deemed to be not significant. Furthermore, the park and ride scheme is expected to reduce the number of vehicle trips into the city centre, leading to a positive impact on air quality in the location and the Durham City Air Quality Management Area (AQMA).

109. Environmental Health and Consumer Protection (Air quality) officers have considered the proposals and, after clarifying areas of the Air Quality Assessment, raise no objections to the proposed development.
110. There would be some disturbance to residential properties during construction, but this would be limited to 27 weeks and potential impacts would be controlled through restricting construction hours and the implementation of a construction management plan. This disturbance would be time limited and necessary to provide the new park and ride facility. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 31 and Part 15 of the NPPF.

Contamination and Coal Mining Risk

111. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
112. The site is within a Low Risk Coalfield Development area. A Coal Mining Risk Assessment is therefore not required but an informative would be provided to the applicant regarding development in this location.
113. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objections in respect of land contamination but have recommended that an informative be included to provide advice in the event any contamination is discovered during construction.
114. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 32 and Part 15 of the NPPF.

Flooding and Drainage

115. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
116. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.

117. CDP Policy 35 of the CDP relates to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Development should not have an adverse impact on water quality. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment
118. The site is entirely within Flood Zone 1 and minor groundwater vulnerability zone and has been identified as containing areas of high, medium and low surface water flooding risk.
119. A Flood Risk Assessment (FRA), Drainage Layout plan and drainage maintenance plan have been submitted in support of the application. The surface water management plan for the proposed development aims to restrict surface water runoff to greenfield runoff rates and direct it to the existing Sustainable Drainage Systems (SuDS) pond on site through the existing drainage system. Adequate surface water storage will be provided on site to prevent flooding during a 1 in 30 year storm event. Additionally, no flooding will occur in any building, and all water flows will be retained on site for up to the 1 in 100 year storm event, accounting for climate change.
120. It is proposed that a geotechnical site investigation would be conducted, including permeability tests following the guidelines of BRE Digest 365. This investigation would inform the drainage method selection based on the hierarchy of options. The design of the SuDS scheme would adhere to National Standards and local policies, focusing on both quantity and quality aspects of SuDS. The aim is to achieve a scheme that demonstrates best practice and meets the requirements of the four components of the SuDS philosophy, as outlined in the Construction Industry Research and Information Association (CIRIA) SuDS Manual. Permeable surfaces would be the preferred method of control throughout the car park extension area, providing treatment and attenuation of surface water runoff while allowing it to infiltrate the ground.
121. Drainage and Coastal Protection officers have indicated that they have no objections to the proposals and that the drainage strategy meets with their requirements.
122. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and Part 14 of the NPPF.

Landscape

123. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in

a manner commensurate with their statutory status or identified quality in the development plan.

124. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
125. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
126. The site is not located within any designated landscapes but is bounded by an Area of Higher Landscape to the north, south and west. There are also no areas of ancient woodland, protected trees or trees in conservation areas within or in close proximity to the site. The site is located immediately adjacent to, but not within the Green Belt. CDP Policy 20 is therefore not applicable
127. An Arboricultural Assessment and Pre-development Tree Survey has been submitted in support of the application. The report identifies that impacts of the development include the removal of trees that are unsuitable for retention, removal of trees for landscape management reasons, and removal of trees that conflict with the development plans. Pruning may also be necessary to facilitate the development or for management purposes. There is a possibility of physical damage to trees that are intended to be retained, as well as harm to their roots or rooting environment. In the post-development phase, secondary effects may arise, particularly through conflicts with new uses on the site. Additionally, new tree planting is anticipated as part of the development to mitigate the impacts and enhance the overall tree cover in the area. The reports identify that through the loss of trees during construction and mitigation planting would result in a major to moderate adverse effect on the tree stock within the site in the short term and a moderate to high beneficial effect in the medium and longer term.
128. The submitted general layout plan shows the north and south western boundary hedge to be retained and allowed to grow to a height of 3m. The area between this hedge and the parking area would be planted with native shrubs, oak whips and amenity grass. Existing vegetation on the southern boundary would be retained.
129. Landscape officers have commented that the proposed development would involve the removal of a significant portion of established young mature structure planting (W1) and a hedge, as well as a young standard lime tree (T3). However, measures have been identified in the AIA (Arboricultural Impact Assessment) to protect the remaining parts of W1 and two mature oak trees (T1 and T2) in the northern area. Tree-sensitive construction methods will be employed for the footpath within the RPA (Root

Protection Area) of T1 and T2, although the alignment of this path and its effects on T1 may need to be reviewed in the future as adjacent development plans are finalized.

130. Regarding landscape character, the proposals would result in the loss of screening provided by the current structure planting, which shields the existing park and ride facility from views along the A691 to the west. The extension of surface car parking in that direction would create a more urban feel in the immediate area. However, the proposals include the provision of structure planting along the outer boundaries, which, in combination with increased hedge height, is designed to gradually achieve visual density and screen the site in the medium to long term.
131. In terms of designated landscapes, there would be no direct impact on the character or quality of the adjacent AHLV. The effect on Sniperley Park would be limited to an area that is already influenced by the presence of the fire station to the west and allocated for development in the north. While some harm to the significance of the park is anticipated, it is expected to be less than substantial and at the lower end of the range.
132. The proposed development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with enhancements to the streetscape from the development of a vacant plot. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

Ecology

133. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
134. WGNP Policy 7 states that proposals for new development and conversions of existing buildings should integrate biodiversity into new development where possible. Existing features which support biodiversity, such as watercourses, hedgerows, walls and trees should be retained and where possible enhanced as part of the development. If their loss is unavoidable, then replacements or provision of alternative habitats or refuges for wildlife must be provided within or close to the development site, resulting in a net benefit for biodiversity.
135. 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.

136. The site comprises an area of lowland agricultural habitats with areas of woodland and hedgerows all surrounding the parkland setting of Sniperley Hall. There are no Sites of Special Scientific Interest (SSSI) within 2km of the site. However, there are a number of Local Wildlife Sites (LWS) within 2km of the site, the closest is Bearpark Bog at approximately 390m to the south west of the site across the A691, Lower Browney Valley approximately 1km to the south west, Flass Vale approximately 1.2km to the south, Pity Me Carrs approximately 1.2km to the north east and Hoppers Wood approximately 1.3km to the east. There are also a number of Local Nature Reserves (LNR) within 2km of the site, Flass Vale is located approximately 1.2km to the south and Framwellgate Carrs is located approximately 1.2km to the north.
137. A Preliminary Ecological Appraisal (PEA) been submitted in support of the application. The appraisal states that no impacts on protected or priority species are expected. Although there remains a risk of bat roosts within some of the trees offsite the development footprint does not include these trees, the potential roosts are 50m from the development boundary and so no direct impacts on bat roosts are expected. There is the potential for long term indirect impacts, but this could be mitigated for through a suitable low level, directional lighting scheme. No impacts are expected on designated or protected sites given the distances involved. Within the development footprint all of the arable habitats would be lost alongside a proportion of the woodland planting. Hedgerows are to be retained and enhanced. It is concluded that, after mitigation, there would be a net loss of habitats and hence a net biodiversity loss. In order to mitigate this loss it is the intention of the applicant to provide a financial contribution to the Council's Ecology Biodiversity Compensation Fund of £60,000 based on a price per biodiversity unit of £15,000. The contribution to the fund would be used by the Council's Ecology service to deliver habitat enhancement or creation in County Durham.
138. Ecology officers have considered the proposals and raised no objections subject to mitigation measures set out in Section 7 of the PEA being secured by condition and for the proposed compensation payment of £60,000 to be provided to the Council's Biodiversity Compensation Fund prior to any planning permission being issued.
139. Whilst the proposed development would result in a net reduction in biodiversity value on site, the proposed compensation is sufficient to mitigate this loss. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43, WGNP Policy 7 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Cultural Heritage

140. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning

permission. Any such harm must be given considerable importance and weight by the decision-maker.

141. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
142. 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) approximately 2.4km to the south east; Durham City Conservation Area approximately 1.2km to the south east; Kimblesworth Grange Farmhouse with wall and outhouse attached (Grade II) approximately 2km to the north; Cottage and Stables c. 100m west of Kimblesworth Grange Farmhouse (Grade II) approximately 2km to the north; non- designated Lanchester Hospital (Former Earls House County Industrial School) approximately 850m to the north west; and non-designated Sniperley Hall, Sniperley Hall Historic Park and Garden of Local Interest and Sniperley Farm located approximately 500m to the north west of the site.
143. Design and Conservation officers and Archaeology officers have considered the proposal and raised no objections. Due to the limited verticality of the proposal, distances, intervening screening and topography, there would be no visual interaction with any designated heritage assets and no heritage harm would result in accordance with CDP Policy 44 and Part 16 of the NPPF.

Safeguarded Areas

144. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
145. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Area for coal and glacial sand and gravel. However, given the location of the site on the urban fringe of Durham City and forming part of a strategic housing allocation it is considered very unlikely that mineral extraction would be sustainable or environmentally acceptable in this location. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.
146. CDP Policy 28 requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Newcastle Airport Safeguarding Areas. For the application site, consultation is only required for structures over 15.2m in height and any wind farm development. The proposed development would not have any structures and therefore does not require consultation and would not conflict with CDP Policy 28 and Part 15 of the NPPF.

Agricultural Land

147. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. It goes on to state that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
148. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that 0.48ha of the site area is comprised of Grade 3a soils (best and most versatile) with the remaining area of the site being either non-agricultural or forming part of the existing park and ride site.
149. The site therefore does include a modest amount of best and most versatile land and it is therefore necessary to consider the benefits of the proposal. In this case the development would provide a valuable extension to an existing park and ride facility without needing to introduce a new site elsewhere. The extension to the park and ride site would assist in reducing traffic and improving air quality within Durham city centre. These benefits are considered to be significant and sufficient to outweigh the modest loss of best and most versatile agricultural land in this location. It is therefore considered that the proposed development would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Public Sector Equality Duty

150. 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.
151. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

152. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
153. The proposed development would provide an extension to a well used park and ride development, which would assist in reducing city centre traffic and improving air quality.
154. The development has been considered against relevant development plan policies and material considerations including the principle of development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, cultural heritage, safeguarded areas and agricultural land and was found to be acceptable subject to appropriate conditions.

155. The proposed development has generated some public interest, with 2 representations having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the benefits of the scheme in terms provision of sustainable transport.
156. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and the Witton Gilbert Neighbourhood Plan and relevant sections of the National Planning Policy Framework.

RECOMMENDATION

157. That the application is **APPROVED** subject to the completion of an internal transfer of funds to the Council's ecology section to secure the following:

- £60,000 is required to be used towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy.

and subject to the following conditions:

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

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

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

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

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

- | | |
|-------------------------------------|-----------------------------|
| • Proposed Car Park Lighting | TP0334_DCC_LE_13_01 |
| • Drainage Layout | 1444959-DCC-HE-DR-05-02-P01 |
| • Cross Sections 1 of 4 | 1444959-09-01-P01 |
| • Cross Sections 2 of 4 | 1444959-09-02-P01 |
| • Cross Sections 3 of 4 | 1444959-09-03-P01 |
| • Cross Sections 4 of 4 | 1444959-09-04-P01 |
| • General Layout (Chainage Drawing) | 1444959-DR-04-P01 |
| • General Site Layout Plan | 1444953-PA-01-P01 |
| • Construction Management Plan | 1444959-CMP-01 |
| • Preliminary Ecological Appraisal | Dated July 2021 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan, Policies 6 and 7 of the Witton Gilbert Neighbourhood Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

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

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. Construction operations shall only take place within the following hours:
0800 to 1800 Monday to Friday
0800 to 1400 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

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

6. The development shall be carried out in accordance with the submitted flood risk assessment and maintenance plan. The mitigation measures detailed within the Drainage Layout plan shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

7. The development shall be carried out in full accordance with Section 7 of the approved Preliminary Ecological Appraisal.

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41, Policy 7 of the Witton Gilbert Neighbourhood Plan and Part 15 of the National Planning Policy Framework.

8. Soft landscaping shall be carried out in full accordance with Drawing No. 1444953-PA-01-P01 within the first planting season following the development being brought into use.

Reason: To deliver biodiversity enhancement and to provide perimeter screening for the development in accordance with County Durham Plan Policies 39 and 41, Witton Gilbert Neighbourhood Plan Policy 7 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Witton Gilbert Neighbourhood Plan (2018)
- Statutory, internal and public consultation responses



Planning Services

DM/22/03237/FPA

Extension to Sniperley Park and Ride by 262 total bays accommodating 29 disabled bays, 18 electric charging bays and 4 motorhome bays at Sniperley Park And Ride Sniperley Park DH1 5RA

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Comments

Date May 2023

Scale Not to Scale