

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/01173/FPA
FULL APPLICATION DESCRIPTION:	Proposed demolition of existing school buildings and development of a replacement school building and works to the retained Springwell Hall, along with car parking, hard and soft landscaping including works to trees, replacement playing pitches, and access arrangements.
NAME OF APPLICANT:	BAM Construction Ltd
ADDRESS:	St Leonards Catholic School North End Durham DH1 4NG
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Steve France Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site, the campus of St. Leonard's School, sits within and on the northern boundary of the Durham (City Centre) Conservation Area. The Conservation Area is based around the setting of the World Heritage Site and the Cathedral and Castle and extends to the edges of the landscape/topographical bowls (an 'inner' and an 'outer'). The Conservation Area is a designated Heritage Asset.
2. The school is based around the former Springwell Hall, built c.1859, converted to a school in 1936, around which a series of large modern extensions to facilitate its modern education use, of styles and quality reflecting the eras they were built, have significantly affected the Hall's setting and value as a non-designated heritage asset.
3. The campus includes a designated heritage asset - the grade II listed Obelisk, although the relationship of the Hall to this has been significantly compromised by the relatively recent erection of a large 6th form centre in between the two. A small gatehouse at the school's pedestrian and vehicular egress onto North Road again suffers as a non-designated heritage asset in relationship to the Hall from the large modern extensions, including an assembly hall.
4. The older school extensions to the Hall are flat roofed blocks, with newer buildings including the sports hall and the 6th form block being pitch-roofed. The removal of the

flat roofed buildings are the genesis of this project, as identified within the Department for Education's (DfE) School Rebuilding Programme to address the needs of schools in need of major rebuilding or refurbishment, particularly where the structures involved the use of Reinforced Autoclaved Aerated Concrete (RAAC). With this construction technique present at St. Leonards, the affected buildings have been removed from use, and pupils are being educated across a number of sites. As this report is being written, the demolition of those buildings is in progress.

5. The campus includes extensive Tree Preservation Orders, with significant mature tree cover on the east and south boundaries of the site, alongside North Road and around the Obelisk. The north boundary is generally more open, along which on the boundary and adjacent the buildings individual and small groups of generally smaller trees have provided setting for the school, with limited wider value. Some of these have been recently removed as described below through separate applications.
6. The built elements of the school are separated from the north boundary of the site by a one-way vehicular access west to east, from Fieldhouse Lane to North Road. There are parking areas and a long bus layby arranged formally and informally alongside this road, with access to a cycle stand. South of the school buildings, within the site are a range of informal hard-surfaced areas, including three hard surfaced tennis courts and a Multi-Use Games Area (MUGA). The hard-surfaced areas are used for on-site parking for after-school functions, accessed from the main site Fieldhouse Lane access, between buildings, along the front of the sports hall, and also via a secondary smaller site access, also from Fieldhouse Lane, shared with access to a residents private parking courtyard.
7. Alongside, outwith and immediately adjacent the north-west boundary of the school Springwell Hall Cottage, indicated as associated with the Hall on older OS plans, is another non-designated heritage asset that has been visually and functionally separated from the grounds and extensively extended in association with a modern residential use. The nature of the extensions and boundary markers serve to separate the historical associations with the Hall. The disassociation is further emphasised by the Cottage being plotted outside the conservation area.
8. In the wider area, nearby surrounding heritage assets include the grade II St. Cuthbert's Church and the grade II Grey Tower, east of the site and North Road. North and west boundaries of the campus are shared with residential development: Those dwellings in The Crescent, north of the site are outwith the Conservation Area, are set at a lower level than the campus, and are generally served by long rear gardens, 17m - 42m in length. Dwellings due west of the school buildings in Fieldhouse Lane are physically separated from the boundary by the drive access and curtilage of Springwell Hall Cottage and feature gardens 20m - 30m in length which sits as backland to that road. Buford Court, at the head of Albert St., Western Hill, is a relatively modern development of four 2-storey town houses with in-roof accommodation that share the aforementioned vehicular access with the school service access, used to access the grounds, service areas, parking area and hard-surfaced areas of play and sports space, and also as a temporary parking for school functions. Buford Court features long gardens, around 30m in length, within which there are significant, mature formally protected trees.
9. The Site is located within walking distance of the City Centre. Surrounding streets are residents permit parking restricted during the day. The site is accessible by walking, cycling and sustainable transport links including rail with the East Coast Mainline station a short walk. There are bus stops sited directly outside the school on North Road. As a faith school the catchment area within which pupils travel is significantly extended.

Other Applications

10. This application has been submitted within a suite of procedures, following a s.211 notice (DM/24/00969/TCA) to remove some of the smaller trees within the grounds protected by virtue of being within the Conservation Area, rather than being subject to tree preservation orders in their own right. Despite objection from residents, following detailed assessment no objection was raised to these works by Officers. An application to demolish the larger part of the redundant school buildings (DM/24/00883/FPA), west of the Hall was approved shortly afterwards. Again, there was opposition to this application.

The Proposal

11. The current application is described by the applicant as seeking to urgently reunite the school within a permanent, high quality new facility at a single site: The proposed development involves the partial demolition of the existing school buildings and the construction of a new state-of-the-art new school.
12. This application includes the demolition of the remaining buildings east of the Hall.
13. The Hall will be retained and the modern connections to the removed buildings made good, with internal restorative works included. East of the Hall the site will be left visually open, free of built development, with the siting of a car park, allowing a visual reconnection between the Hall and the retained Gatehouse from North Road and Framwelgate Peth, the traditional entrance to the Hall. The modern 6th form building fronting the Hall will also be retained.
14. The new build is proposed as a single, stand-alone block with two wings projecting southwards, one of these splayed along the access road. The buildings are arranged to separate and secure the access areas from the internal space, both for security and to protect local residents from the noise of school activities. The MUGA remains unaffected, with the tennis court areas retained and upgraded with surrounding fencing. The fencing will be gated to allow for continued use of the internal areas for parking for formal after-school uses. Hard and soft landscaping is proposed, including replacement and additional tree planting for those removed in respect of the s.211 and demolition procedures.
15. The existing access and egress arrangements remain the same. The main site access and a smaller, secondary access shared with the private parking court from Fieldhouse Lane. Site traffic transits in one direction, west to east, alongside the north boundaries of the site, where formal and informal parking and a long bus drop-off point flank the access on both sides. Egress is at the old gatehouse on the north-east corner of the site onto north road, where a 'left-only' turn egresses the site in an area of highway that includes a bus stop, a signalised crossing, and an access onto the dualled A690 and County Hall roundabout.
16. The main block and wings have three storeys of accommodation with a parapet wall atop to screen plant and photovoltaic panels is 12.9m in height, with a splayed arrangement to ensure thermal efficiency. The blocks are brick built, with subtle references to the Hall. The replacement sports block is smaller in scale and the adjacent activity room and changing facilities lower again to reduce massing where closest to adjacent structures at Springwell Hall Cottage.

17. Here have been some changes to the proposal during the course of the application including the provision of part obscured glazing on the windows facing towards Springwell Hall Cottage and the dwellings in Fieldhouse Lane and moving the access to the sports hall changing rooms from the west to the north elevation to reduce the amenity relationship to those properties too.
18. This application is being considered by committee as a 'major' application.

MOST RELEVANT PLANNING HISTORY

19. DM/24/00883/FPA Demolition of existing disused school buildings – Approved, 04.06.2024
20. DM/24/00969/TCA Proposed felling of 21no. trees within the Durham (City Centre) Conservation Area - Raise No Objection, 22.05.2024

PLANNING POLICY

NATIONAL POLICY

21. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
22. *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.
23. *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.
24. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

25. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
26. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.
27. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
28. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
29. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
30. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

31. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning

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

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

32. *Policy 6 (Development on Unallocated Sites)* supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
33. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
34. *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. Encourage modal shift to more sustainable modes of transport by promoting and influencing changes in travel behaviour including: school travel plans.
35. *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.
36. *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.
37. *Policy 28 (Safeguarded Areas)* seeks to safeguard a range of specialist interests including Major Hazard Sites and Major Hazard Pipelines, Durham Tees Valley and Newcastle International Airports and the High Moorsely Meteorological Office radar site.

38. *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).
39. *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.
40. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
41. *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.
42. *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.
43. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
44. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.

45. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
46. *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.
47. *Policy 44 Historic Environment*. Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. 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.
48. *Policy 45 Durham Castle and Cathedral World Heritage Site*. Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exceptional circumstances.
49. *Residential Amenity Standards Supplementary Planning Document (RASSPD)* sets out guidance for all residential development across County Durham and will form a material planning consideration in the determination of appropriate planning applications. It sets out the standards Durham County Council will require in order to achieve the Council's commitment to ensure new development enhances and complements existing areas, in line with the aims of the County Durham Plan.
50. *Parking and Accessibility Standards Supplementary Planning Document (PASPD)* supports Planning Policy 21 (Delivering Sustainable Transport) of the County Durham Plan and should be read in conjunction with the Councils Building for Life SPD, Residential Amenity SPD and the Highway Design Guide. The PASPD sets out guidelines for car and cycle parking that are to be applied equally across the county and for development to be situated within an accessible location.

Durham City Neighbourhood Plan (DCNP)

51. *Policy S1 – Sustainable Development Requirement of all Development and Re-development Sites including all New Building, Renovations and Extensions* sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.

52. *Policy H1 Protection and Enhancement of the World Heritage Site* requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
53. *Policy H2 – The Conservation Areas* expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
54. *Policy G1 – Protecting and Enhancing Green and Blue Infrastructure* seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.
55. *Policy T1 – Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.
56. *Policy T2: Residential Car Parking* - Development proposals incorporating or having an impact on car parking will be supported if they comply with the criteria including the following: Access to off-street car parking should be designed to minimise additional vehicle movements on residential streets, where electric vehicle charging provision is required by the County Durham Parking and Accessibility Standards, the facilities should not hinder the movement of pedestrians or disabled people, and should respect the character of the area, where a proposed development will generate a significant increase in demand for on street parking that requires new or amended parking controls these can be funded through developer contributions.

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> (County Durham Plan and Durham City Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

57. *Highways* - From a Highways perspective, this proposal is considered acceptable. Paragraph 115 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". This proposal is for a new, fit for purpose school, to be constructed on a site which already houses a school, and so the use is well established on the site.
58. The existing school has 1480 students, as well as 97 full time and 48 part time staff. These numbers would not alter as a result of the redevelopment. Therefore, the number of trips to and from the site each day would not be materially different between the existing and proposed school use, and so the residual cumulative impact of this development could not be considered to be severe.
59. The issues highlighted by residents in relation to pick up and drop off times are noted, as are concerns around road safety. However, having considered the accidents statistics for the past 5 years surrounding the site, there is not a single recorded accident. So, there is no evidence to support the view that the existing, or the proposed, access arrangements to the school are prejudicial to road safety.
60. Access arrangements would remain as existing, with a main vehicular access in from Fieldhouse Lane, and an Exit only onto North Road. There would also be a second, smaller access on Fieldhouse Lane providing access to 9 staff spaces, and for maintenance and emergency vehicles only. Consultation responses from the public have asked for consideration to be given to an 'In' access from North Road to allow buses to use that access rather than Fieldhouse Lane. Notwithstanding any material planning considerations any proposed new access may raise in relation to Landscaping, Ecology etc, the Local Highway Authority is only able to consider the application as presented to it. While there may be an alternative solution, the Highway Authority would only seek to explore this if what is proposed in the planning application was contrary to policy or unacceptable in Highways terms. The applicant has not proposed an 'In' access from North Road, and for the reasons already set out above, the use of Fieldhouse Lane for access currently operates without any evidence that it is prejudicial to road safety.
61. 103 car parking spaces are proposed for the site. This falls short of the 126 required by the 2023 Parking and Accessibility SPD (1 per FTE staff and 1 per 50 pupils). However, the existing school has 107 spaces, and both staff and pupil numbers would remain the same, this proposed level of provision is considered acceptable. 5% active EV provision would be made, in accordance with the SPD. 20% passive EV spaces would also be required. This could be secured by condition.
62. Auto-tracking of a coach, refuse vehicle, and servicing vehicles has shown that the site can be safely served and that there is adequate space in the site for servicing to take place.
63. While a Construction Phasing Plan has been submitted, a full Construction Management Plan should be provided. This could be secured by condition.
64. So overall, for the reasons set out above, the proposal is acceptable in Highways terms.

65. Conditions are requested to ensure car parking is implemented prior to first occupation of the new buildings, details of Electric Vehicle Charging are agreed, cycle parking to be implemented prior to first occupation of the new buildings and submission and approval of a Construction Management Plan prior to commencement on site
66. *Historic England* - advise that they do not wish to comment on the application, and support nor objection should be inferred from this. Consideration of the Heritage aspects of the application is deferred to the Council's specialist Officers.

INTERNAL CONSULTEE RESPONSES:

67. *Spatial Policy* Officers advise that the proposal involves the part redevelopment of an existing education site. The principle of what is proposed is considered to be acceptable, and the main issues relate to ensuring compliance with matters of detail in relation to design, heritage, amenity, trees, landscape, and ensuring sustainable transport options. Overall, there are no Policy objections to the development proposed.
68. *Design and Conservation* Officers consider the context of the application within the Durham City Centre Conservation Area, and the inner setting of the Durham Castle and Cathedral World Heritage Site, and within the setting of numerous designated and non-designated heritage assets, advising the relationship to such should be a primary consideration in the determining of the application.
69. The significance of the heritage assets involved is discussed in detail, noting the main Victorian building group consisting of the Hall, the lodge, the cottage and the wall/gate entrance onto North Road are an important and high value group of non-designated heritage assets, and the settings of the listed Obelisk, St. Cuthbert's Church and Lychgate.
70. The proposed demolition would be considered to enhance the significance and setting of the group of NDHAs and the surrounding conservation area in this location, recovering the halls detached form as originally constructed, making the hall visually more legible and appreciable from the public domain, and by removing the significant intrusion they cause between the hall, lodge, and gated entrance.
71. The applicant's heritage statement combined with the TVIA has assessed the impact within the setting of Durham WHS correctly identifying key vantage points from which the development would potentially be visible in the context of the cathedral viewed panoramically in its broad townscape and landscape surroundings. The document concludes that the proposed development would not have a perceptible impact due to screening provided by topography, landscape features and existing built development.
72. While the development would be anticipated to be visible from specific ridge line vantage points in the south part of the city, given the distance, intervening factors as described above, and that it would replace existing development, the magnitude of overall effect would be low with the level of impact neutral. Accordingly, preserving the setting of Durham WHS and relevant attributes of its Outstanding Universal Value.
73. In relation to Springwell Hall there would be a positive impact following the demolition works but making good masonry, restoring an original window openings, modifying original windows where previously altered, and by removal of the intrusive modern dormer. The proposed installation of a new door and window and works to improve accessibility would be considered neutral in impact.

74. A detailed assessment of the internal changes proposed for the main Victorian Building concludes that when combined with the removal of the attached modern blocks and extensions, making good of fabric as necessary, improvement of the external elevations, and significant enhancement of re-establishing the hall detached form, the scheme as a whole would conserve and enhance the significance of the NDHA.
75. Describing the development, the proposed site layout maximises south facing external amenity space which will be overlooked by active frontage from buildings. The entrance to the new school building is legible when approached from the pedestrian access to the site. To the north-west, the nature of the sports hall building results in a generally blank façade however there is some animation to the elevation through randomly placed slim windows at first floor level, avoiding a completely blank elevation. The approach to building design and architectural detailing is considered a positive addition to the site. The applicant has provided an interpretation of local character and detailing, referencing both historic buildings in the context and more recent additions to the city. The exact brick and stone utilised will be key to ensuring a high quality development is delivered.
76. Conditions to secure detail for the scope of interference with historic fabric, details of joinery sections and the details of new materials and their use are suggested.
77. The proposed development would not be opposed from a design and conservation perspective.
78. *Archaeology* – confirm that as the development is on ground that has been disturbed by previous structures on the site, there are no archaeological constraints.
79. *Landscape* – Officers advise The proposals are accompanied by a Townscape and Visual impact Appraisal which is informative, and the conclusions within are agreed. The landscape proposals for the site are generally well-considered. There are reservations about some matters of detail that could be resolved through a condition requiring a detailed scheme to be submitted – acknowledging any implications for BNG. Subject to resolving matters of detail the proposals would be consistent with the requirements of Policy 29, 39 and 40.
80. *Trees* – Officers have offered detailed advice for the implementation and maintenance of the tree planting element of the proposals, with advice and some criticism of species chosen.
81. *Ecology* - The supporting ecological survey work is sound. No protected species were found on site and appropriate surveys were undertaken to determine their presence / absence.
82. The metric indicates that a 10% BNG can be achieved. There are matters of detailed implementation that are still being discussed as this report is written but all are clearly capable of resolution. The validation checklist asks for a draft Habitat Management and Monitoring Plan to accompany the application, given the scale of the works this need not be requested at this stage.

83. The delivery of on-site BNG is regarded as significant and the HMMP provided when discharging the pre-commencement BNG condition will need to be secured via a legal agreement.
84. *Drainage* – Drainage Officers advise that the proposals, updated in process, meet the requirements of Policy 35 in achieving a sustainable Drainage system, recommending that a compliance condition be imposed on the submitted scheme.
85. *Travel* – Officers confirm that the Travel Plan has been reviewed against the BSI 'National Specification for Workplace travel Plans' (PAS 500) and meets the required standard.
86. *Environmental Health (Air Quality)* – Officers have confirmed that following a series of requests No further comments as all the previous comments, relating to taking a 'reasonable worst case approach, for the sensitivity criteria attributed to the building and for the range of construction phase mitigation measures proposed, 'have now been addressed'.
87. *Environmental Health (Nuisance)* – Officers have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes), and in consideration of any impact upon amenity. A noise impact assessment has been undertaken to support a planning application which encompasses the redevelopment of the existing school. The assessment considers the existing noise climate and its impact on the future use of the school. The assessment also evaluates noise impact from the proposed fixed plant, which will be installed in support of the new building. The noise assessment includes both requirements for standard classrooms and also for hearing impaired SEND pupils. Traffic noise is taken into account. Compliance conditions are suggested for noise restrictions.
88. The findings of the Ventilation and Odour Statement are accepted, and a compliance condition suggested. The proposed lighting scheme submitted in support of the planning application is agreed and again a suitably worded compliance condition is suggested imposed. The basic requirements of a Construction Management Plan in terms of working hours and minimising noise, vibration, light and dust nuisance or disturbance to local residents resulting from construction/demolition site operations are set out.
89. *Environmental Health (Contamination)* - Officers are satisfied with the findings of the submitted reports including a gas risk assessment appendum. Topsoil should be imported and tested in accordance with YALPAG guidance. The verification report should also confirm that the asphalt has been either removed or appropriately placed under hardstanding. A phase 4 verification condition is suggested along with standard alternatives.
90. *Energy* – have not responded to the consultation request

EXTERNAL CONSULTEE RESPONSES:

91. *Northumbrian Water* – have not responded to the consultation request.
92. *The Meteorological Office* - confirm that the development will have no impacts on their weather radar at High Moorsley
93. *The Police Architectural Liaison Officer* – has offered no comment

PUBLIC RESPONSES:

94. A formal consultation exercise was undertaken consisting of a press notice, Site Notices posted at the east and west entrances to the site and a direct mail exercise of 150 letters.
95. Representations have been received from the Ward Councillors Elizabeth Scott and Liz Brown, the City of Durham Parish Council, the City of Durham Trust, and the Friends of Flass Vale.
96. After the first consultation exercise, Individual letters of objection had been received from 13 individual addresses and 7 anonymous, including 4 with the same surname using a pro-forma text. 2 representations supporting the application had been received.
97. Following the submission of amended plans, and a small, focussed reconsultation exercise of those properties directly affected by the changes in Fieldhouse Lane and The Crescent was undertaken in response to which a significant number of additional representations have been received. As the report is being written there have been 223 representations, 44 objections, 13 neutral comments and 165 letters of support. Representations are still being received as this report is being written and any additional will be reported verbally to the Committee Meeting.
98. *Councillors Scott and Brown* - have both written in, requesting that a robust Construction Management Plan is in place, Councillor Scott requesting a specific condition precluding the use of The Crescent for construction traffic and Cllr. Brown asking for particular regard for construction working times.
99. *City of Durham Parish Council* - express support for the school in their ambitions to develop a new school on this site as speedily as possible. The proposed removal of the 1970s and 1980s blocks is welcomed and this will increase the significance of the main Victorian School building (formerly the Hall) and detach it from unsympathetic modifications.
100. The Parish does however have significant concern considering the impact of the building on neighbouring residential properties through an increase in height and proposed location, alongside the loss of trees would result in a conflict with Policy. Insufficient evidence has been provided to assess these relationships.
101. There is a concern for the community use of the new buildings and the further impact on residential neighbours. Insufficient information has been submitted to demonstrate Fieldhouse Lane can accommodate construction and school traffic.
102. *City of Durham Trust* - are 'acutely aware of the wishes of pupils, parents and staff to end the temporary arrangements caused by the RAAC failure, the City of Durham

Trust formally objects to the application, considering the proposals are deficient in location, design, transport circulation, landscaping and bio-diversity for this prominent building. It is considered the scheme fails relevant Development Plan Policies.

103. The siting of the school has increased impacts on surrounding properties and into greater contention in the conservation area when viewed from Fieldhouse Lane to the benefit of the internal campus area. The design and materials approach is sound when viewed in isolation but considered repetitive, bland and institutional. The scale and mass lead to intrusion and this causes damage to the Conservation Area.
104. Some aspects of the Travel and Transport approach are acknowledged as good, but others, including cycle assessment is 'scanty'. Out of hours transport implications must be addressed. A condition to secure a regularly revised Travel Plan in perpetuity is requested.
105. The high level of car parking proposed has impacts on tree retention and therefore impacts on adjacent properties. The presence of the new car park between the gatehouse and the Hall reduces the benefits of this newly exposed view. Cycle parking provision does not meet current standards and is inconveniently located. Separating cycle access from the main site access is suggested through greater permeability into the internal areas, with the proposed arrangements considered 'overwrought' and overengineered.
106. Landscaping is considered the weakest aspect of the proposals, with parking provision, footways and the footprint of the building compromising the potential spread of trees – no replacement for the trees lost. The appropriateness of high maintenance species chosen landscaped areas is questioned. It is important that residents are allowed to see and comment on the Biodiversity Gain Plan.
107. *Objecting representations* – some responses are submitted commenting across the determined applications for the tree and demolition works described above and the current proposal. A number of the objectors and representations make clear that they do not object to the rebuilding of the school per se, but to the nature of what is proposed.
108. There is strong criticism of the disaggregation of the tree, demolition and rebuild applications. There is likewise strong criticism of the applicant's approach to public consultation and engagement both pre-submission and during the course of the application, and in reflecting residents' concerns raised in the processes.
109. Residents in dwellings on the north-west boundary of the site, at Fieldhouse Lane, and at Springwell Hall Cottage, which sits as a backland site, sandwiched between the dwellings in Fieldhouse Lane and the school campus, are concerned that the proposed building moves 15m closer to residences than the demolished structures it is proposed to replace and removes all screening trees in between. The redevelopment increases significantly in height and bulk. The proposed development will have a significantly greater impact on amenity and living conditions than the existing arrangements. Screen planting is requested along the whole length of the boundary, bunds are suggested and privacy glass requested installed above the ground floor.
110. As first submitted, there were concerns for overlooking of private gardens and rear windows, impacting the use of gardens, and internal rooms use for homeworking and the use of a bathroom with clear glazing, the use of the latter extending from privacy concerns to potential safeguarding issues. There are objections for loss of privacy, loss of light, loss of amenity, loss of outlook and loss of view.

111. There is further concern for the potential intensification of spaces and accesses along the vehicular circulation route.
112. Repeated reference is made to the development of The Johnson School where residents contend that the layout was significantly changed to reflect the objections of a neighbouring dwelling. The benefits of alternate forms of development are offered, including the alternative options set out in the submitted Design and Access Statement. In particular the splayed arrangement setting the west wing of the proposal alongside the access drive is considered unnecessary and of significant detriment to the Fieldhouse Lane neighbours, and 'Finchale' in particular. Other school developments such as at Wolsingham are also referenced. There is criticism that the design proposed does not take into account the views of the local community, as a requirement of the NPPF.
113. The proposed building is contended a modernist structure directly contradicting the aesthetic of the surrounding area. Bulky and significantly closer to the site boundary, the effect is oppressive and imposing. The proposed architectural approach is both inappropriate and of significant detriment to the Conservation Area.
114. There is concern that the surrounding roads are not suitable for construction plant, machinery or school buses in terms of their basic specification, their residential use, inappropriate use to facilitate after-hours activities in the school and the development will lead to accelerated wear and tear that will have to be rectified at the public expense.
115. The loss of trees in the Conservation Area is considered contrary to Council policies, with replacement likely to take a long time to become features.
116. There have been objections contending the development will be detrimental to Green Belt, to the Area of High Landscape Value designations and to a Site of Special Nature Conservation Interest.
117. A number of correspondents regret that the current access / egress arrangement has not been reviewed / revised to take traffic away from Fieldhouse Lane and concentrate it all on North Road. Others are pleased the current arrangement is retained – both for construction of operation of the school, noting an intention to object if this arrangement is changed. Traffic at this access is considered to bring unwelcome pollution, vibration and congestion. Residents complain that with the site in a sustainable location, well served by public transport, both bus and rail, and with connections to the National Cycle Network, in-site car parking is over-provided, and this will encourage non-sustainable transport alternatives.
118. There are concerns for the impacts of the demolition and construction process, from the traffic proposed using Fieldhouse Lane, with a restricted access and implications for either residents' on-street parking or the removal of additional trees at the site entrance, wear and tear on surrounding roads, cumulative impacts with the demolition of County Hall in addition to usual concerns for dust, noise and working hours. The control of parking during the construction process is a further concern.
119. The potential for external lighting arrangements must be robustly controlled to ensure residential amenity. The repositioning of the bin store closer to neighbours is an additional unwelcome feature.

120. The large windows proposed are contended to have the potential to lead inside proposed buildings to an 'intolerable' experience for teachers and pupils from the summer sun.
121. One correspondent seeks to draw parallels between a recent Supreme Court judgement on whether it was lawful for County Council not to require the environmental impact assessment for a project of crude oil extraction for commercial purposes to include an assessment of the impacts of downstream greenhouse gas emissions resulting from the eventual use of the refined products of the extracted oil in terms, against the potential for the school to achieve net carbon if built to a better design.
122. *Representations supporting* - the proposals have been received from the parents of pupils at the school and others noting the significant impact on education of the forced closure of the school, bringing significant anxiety and many challenges to the school and children. A long term solution is urgently required. There is excitement that the proposals will bring a modern aesthetically pleasing teaching environment and provide greater access to leisure facilities to the benefit of health and well-being. The design offers safe internal spaces for children.
123. The closure of the school has not only affected academic progress, but also deprived students of essential social interactions and deprived the school's capability to provide reasonable adjustments for SEND (Special Educational Needs / Disabled) pupils, all things that are vital for their overall growth and well-being.
124. Supporters are complementary of the approach to heritage assets on the site and the landscape approach in retaining the principal trees. The net zero nature of the building is of benefit to all. Retention of the principal tree belts are of greater significance than the 'small number' of lost, particularly in the context of the 100 replacements planned.
125. The new outdoor areas will allow for greater surveillance making children safer. The 'damaging impact on more than 1000 children that will occur if there is further delay' is offered in support. Potential contractor access from North Road would put the safety for the pupils at risk.
126. Supporters point out that some issues of concern to objectors were pre-existing issues evident before the application.
127. There have been a number of neutral representations that include note that the school requires redevelopment, but asking in particular that the development should present an opportunity to address existing access and off-site parking problems that have historically caused conflict between the school, and neighbours.

APPLICANT'S STATEMENT:

128. Following the discovery of Reinforced Autoclaved Aerated Concrete (RAAC) at St Leonard's Catholic School in 2023, many pupils are now being taught in temporary accommodation across Durham. BAM Construction Ltd has been selected by the Department for Education to deliver a new school, urgently reuniting pupils within a permanent, state-of-the-art new facility on the existing school grounds.
129. Due to significant health and safety concerns regarding the RAAC-affected buildings, planning permission was sought earlier this year to demolish much of the School's existing accommodation. These works are now well underway, and the site is being readied for redevelopment.

130. Given the ongoing impact of the school's closure upon pupils' education, the Department for Education's programme for the development of the school necessarily requires BAM Construction Ltd to work at pace, and a planning application was submitted in May 2024.
131. In advance of this, however, the Department for Education themselves submitted a pre-application enquiry to Durham County Council in July 2023. In addition, BAM Construction Ltd also undertook consultation with both pupils and the local community in March 2024. This included a leaflet drop to neighbouring residents, a drop-in consultation event on 27 March 2024, and an online website providing information on the plans. In total the website was visited a total of 224 times, and approximately 75 people attended the consultation. The vast majority of respondents (over 87%) supported the redevelopment of the school, with a majority also in agreement that the current plans would provide a high-quality learning environment for pupils.
132. The proposed redevelopment is situated on the existing school site and comprises a like-for-like replacement in terms of pupil capacity. The proposed design and layout of the school has been driven by the need to provide a state-of-the-art learning environment for pupils which will cater for the School's needs for generations to come. This includes meeting the Department for Education's exacting Output Specifications and current Building Regulations to provide high levels of natural daylight and ventilation to achieve Net Zero Carbon in Operation as defined by the UKGBC.
133. That said, the existing site is highly constrained, with established access routes, existing buildings, tree preservation orders and associated root protection zones significantly limiting the potential developable area. In this context, the scheme has been carefully curated to fit within the developable footprint to better showcase the significant non-designated heritage assets within the site, and the wider Durham City Conservation Area. It also adopts a landscape-oriented approach, with more multipurpose areas of open green space provision, including wildflower planting, screening and structure planting, as well as more conventional playing pitches. In total, around 120 new trees are to be planted as part of the soft landscaping scheme, and on-site habitat creation will result in Biodiversity Net Gain comfortably in excess of the 10% policy requirement.
134. Simultaneously, the scheme responds as sensitively as possible to neighbouring properties, and the functionality of the proposed new school building is intended to concentrate 'blank', stepped down elevations toward the closest dwellings to the north, while mitigating impacts upon those dwellings overlooked by classrooms by way of frosted windows. It is unfortunately not possible to amend the scheme in a manner which addresses all residents' concerns in the way that they would like - and still meet the Department for Education's required standards and current Building Regulations – which ensure the building will provide the very best of modern teaching and learning environments for its pupils. Notwithstanding this, and following extensive work with Planning Officers, we have listened to the concerns of local residents and have undertaken further work in relation to daylighting, a scheme for obscure glazing and further tree planting/screening to mitigate concerns. This collaborative process has resulted in no Statutory Consultees objecting to the application.
135. Our team are working hard to deliver the new school as quickly as possible, given the urgent need to get pupils back into permanent teaching accommodation in a modern, sustainable environment conducive to learning. It is currently our intention to deliver the new school building by April 2026 in time for the key exam term. However, this is contingent upon the grant of planning permission at Durham County Council's Strategic Planning Committee meeting on 26 July 2024.

PLANNING CONSIDERATIONS AND ASSESSMENT

136. 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, the nature of the proposed use the justification for the development, highway safety and access, layout and design, landscape and visual impact, heritage, residential and wider public amenity, ecology, tree and landscape issues, and other matters.

Principle of the Development

The Development Plan

137. 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 Durham City Neighbourhood Plan (DCNP) together constitute the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020, with the City of Durham Neighbourhood Plan adopted in June 2021 and provides the policy framework for the County and the City up until 2035.
138. The application relates to this existing site in educational use. It must be acknowledged that the proposals will bring significant Policy considerations and new relationships that must be considered – but that also there are existing arrangements and operations on the site that are established and can be maintained. Both are material.
139. The school is located within the settlement of Durham City. It is not allocated for any specific use in the development plan. Policy 6 (Development on Unallocated Sites) of the CDP is therefore relevant and contains a range of criteria which all new development has to accord with, including that; it is compatible, that it does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated with, and that it is not prejudicial to, any existing, allocated or permitted use of adjacent land, and it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
140. In detailed consideration of these most relevant criteria; The site is an existing school, and currently co-exists with neighbouring land uses which are predominantly residential to the north, west and south, with Aykley Heads to the north-east and detached playing fields (currently used as a temporary school) to the east. This arrangement is maintained, and whilst the detailed relationships must be examined

against specific policy areas, the principle of the use of the site is acceptable when considered against Policy 6a.

141. The site is not publicly accessible open space itself but is identified within the Open Space Needs Assessment (ref: OSNA919) for its education use and recognition that there are playing fields and trees/vegetation on site. The open spaces and sports facilities within the site are either retained, or in the case of the main hard-surfaced area upgraded as part of the DfE requirements of the development.
142. The site is also within the Conservation Area for Durham City, the setting of Durham Castle and Cathedral World Heritage Site, and within the setting of numerous designated and non-designated heritage assets. Heritage aspects will be examined in detail later in this report, but as a headline in terms of Policy 6 compliance are concluded acceptable, notwithstanding public representation to the contrary. The significant assets on the site in terms of the heritage assets, principal trees, formal and informal open spaces and recreational facilities are all maintained, with the aspect of on-site Heritage assets significantly improved. The requirements of Policy 6c. are considered met.
143. Assessment for Policy 6d. is considered in the context of detailed assessment of the relationship to neighbours, through Policy 29 and where relevant, the Residential Amenity SPD, to the Heritage Assets, through Policy 44 and through the relationship to trees, and Policy 40. If concluded acceptable against these Policies, the requirements of Policy 6d. are met.
144. Policy 6e., that requires a development to be not 'prejudicial to highway safety or have a severe residual cumulative impact on network capacity' reflects a contentious aspect of the development. There are repeated requests for the existing access, one way transit and egress points to be reviewed. Correspondents variously and conflictingly request that accesses from Fieldhouse Lane be removed, the access road be moved, and there be no intensification of the arrangements at North Road. Again, the Highways aspects will be discussed in detail below. In basic terms the application proposes no change to the access, egress and vehicular movements in the site, and application proposes no intensification of the use on site in terms of creating additional demands on the network. Parking provision within the site is improved. The Highways aspects of the demolition/construction phase can be controlled. Compliance with 6e. is concluded.
145. The site is considered to be in a sustainable location in terms of Policy 6f.'s requirement for good access by sustainable modes of transport to relevant services and facilities. There are bus stops immediately adjacent the site egress onto North Road, and whilst the topography and historic street layout of Durham City can be challenging to the cyclist, the proposals include for pedestrian and cycle routes and circulation, with storage within the buildings proposed for the latter. Durham Railway station is a short distance from the campus, easily accessible by foot and cycle. The requirements of this criteria of the Policy are met.
146. Drainage aspects will be discussed below, but a scheme that satisfies the requirements of County Drainage Engineers representing the Local Lead Flood Authority (LLFA) would bring compliance with Policy 6h.
147. Policy 6i. of the County Plan and Policy S1 of the Neighbourhood Plan reflect the advice of Paragraph 123 of the framework to make 'as much use as possible of previously-developed or 'brownfield' land. The proposals involve the use of brownfield land and the pre-developed areas of the site.

148. In the Neighbourhood Plan, comparable to Policy 6, Policy S1 effectively considers matters of Principle, through a range of 14 criteria.
149. Relevant to this proposal, S1c. requires 'harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. The surrounding neighbourhood is characterised by interwar dwellings, predominantly semi-detached and two storey in scale. The school, as described above, has been subject to significant extension, most of which can be best described as functional rather than visually attractive. The proposals are in their own right a significant improvement, with the submitted Design and Access Statement demonstrating a considered approach which has led to an appropriate design response in its own right – noting that aspects of massing and height have residential amenity impacts that will be assessed against the requirements of CDP Policies 29 and 31 below. Subject to this assessment, compliance with Policy S1c is concluded.
150. Policy S1d. requires 'conserving the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by Our Neighbourhood's designated and non-designated heritage assets'. The proposals retain the significant tree cover that is an essential component of the World Heritage Site reflected in the extent of the Conservation Area designation and the defined World Heritage Site Inner Setting set out at Map 2 of the Plan. There is significant improvement for the setting of the non-designated heritage assets of the Hall and Gatehouse, again examined in detail below, that brings positive weight in assessment against this Policy criteria, but contention from the City Trust and residents that the position and massing of the building has a significant detriment to the Conservation Area on Fieldhouse Lane. This will be assessed in the Heritage Section, below, but ultimately is considered acceptable.
151. Policy S1d. requires development to protect and enhance the diversity of Our Neighbourhood's natural environment in terms of biodiversity / geodiversity, designated wildlife sites and protected species, seeking biodiversity net gain wherever possible. This application retains the principal trees on the site that have a significant biodiversity value and proposes extensive tree planting – to replace specimens removed through the parallel applications – along with meeting the required biodiversity gain. Compliance is concluded with this element of the Policy's requirements.
152. Given that the site is already in educational use as a secondary school, the principle of the use is already well established, and the key issue is ensuring the proposal is fully compliant with the criteria of CDP Policy 6 and DCNP Policy S1 as well as other development plan policies that deal with design, amenity, transport (all discussed below), and significantly, to ensure that reasonable expectations for residential amenity are achieved to a Policy compliant standard.
153. It is significant that Paragraph 99 of the National Planning Policy Framework (NPPF) (December 2023) emphasises the importance of providing sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. This reflects wider Government educational policy (Securing developer contributions for education, Department for Education (August 2023)). In principle therefore, a modernised school and redeveloped site could deliver wider community benefits and can be viewed favourably in terms of the requirements of CDP Policy 6 and DCNP Policy S1, along with other policy requirements of the Development Plan and specifically relevant parts of the Framework.

154. As an existing school site, the continued use of the site is considered acceptable in principle. Whether the proposed development achieves compliance with the Policies examined above will depend on assessment against specific topic areas.

Highways Safety and Access

155. 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.
156. The recently updated Parking and Accessibility SPD sets out the Council's adopted Parking Standards is also relevant to assessing the new staff car park. The proposal should be encouraged to promote sustainable transport methods, including walking, cycling and the use of public transport as reflected in Policy T1 of the DCNP.
157. The school has a vehicular one way system accessed from Fieldhouse Lane and egressing onto North Road, just before a junction with the A691, which is partially protected by traffic signals on that dual carriageway in the short distance to a large roundabout. There are two accesses from Fieldhouse Lane which are gained through traffic calmed residential estates subject to daytime permitting restrictions, Mon.-Sat., 8am-6pm. Allowing pedestrian access via the rear vehicular access, there is a 170m long segregated lay-by alongside the A691, subject to permit and ticket restrictions Mon.-Sat., 8am-6pm involving use of a signalised pedestrian crossing of North Road. This lay-by is 85m (path) from the entrance. There available is on-street parking on North Road subject to similar restrictions that starts 90m from the same access with 34 spaces, and a further 22 spaces a short distance beyond.
158. There is anecdotal but clear evidence that the roads around the site have historically suffered from inconsiderate parking, with issues from the daily influx and exit of parents delivering and picking up students, and from after school events an apparent dispute between residents and the school that is reflected in the consultation response.
159. Within the school parking along the spine road through the site is currently complimented by occasional small pocket of provision where space was available. A long bus lay-by with a protected wide footway allows buses to load and discharge in a safe manner – this 75m long feature situated on the rear boundary of the long gardens in The Crescent, separated from the slightly lower gardens by a medium height brick wall.
160. There is a secondary access from Fieldhouse Lane, shared with a private parking courtyard for four dwellings in Buford Court that is used as a service access, and to access the internal hardstanding areas for informal parking for specific afterschool functions.
161. The Highways Officers response acknowledges the historical arrangements and assesses the proposal in the context of alterations to an existing and established arrangement and notes the very high bar the NPPF sets out to justify refusal on highways concerns: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network would be severe'. A detailed assessment of the differences between the existing and proposed operations is set out above, noting in particular the absence of any recorded accidents (the data extends beyond the recent reduced use of the school from the unavailable RAAC affected buildings).

162. The parking arrangement within the site is redesigned, with a surface carpark east of the Hall complimented by additional parking alongside the main route. Five well used informal parking spaces and five formal spaces opposite are removed from the boundary shared with Springwell Hall Cottage, with a delivery bay replacing the latter. The bus layby and drop-off area is retained. The revised parking arrangement is potentially to the betterment of immediately adjacent residents.
163. The internal hardstanding areas within the site are slightly reduced in size, with access restricted and the facilities improved and fenced. They are still intended be available for the informal event parking that they traditionally have been, but slightly reduced in size, there will likely be a proportionate displacement into the wider site and beyond. Parking availability surrounding the site In Fieldhouse Lane, Albert St., The Crescent and North Road is restricted to Resident Permit Holders only Mon. – Sat., 8am – 6pm, after which it is available for all. Whilst this is a historical source of dispute with the school for may correspondents. It must be acknowledged that the planning system cannot police inconsiderate parking, nor can it reserve the public highway for residents. Displaced parking may be accommodated in the more formally set out propose parking arrangements elsewhere within the site, but the proposal does not solve the existing apparent conflict between school users and surrounding residents. Any traffic generated is not likely to be such that DCNP Policy T2 becomes relevant, i.e. that where a proposed development will generate a significant increase in demand for on street parking that requires new or amended parking controls these can be funded through developer contributions.
164. The site is in a sustainable location, with a bus stop sited immediately outside the North Road site entrance. There is immediate access to existing cycle routes and a Travel Plan has been submitted to accompany the application. The site is a short distance from the City Centre and the East Coast Main Line railway station.
165. The application proposes a replacement school to accommodate the same number of pupils as the existing school. There is therefore no intensification of the existing use proposed. In a highly constrained site Highways Officers advise that the implications for highway safety are acceptable. The location is considered sustainable with good access to sustainable transport opportunities. The proposal will provide the appropriate facilities for staff in terms of Electric Vehicle Charging and this can be ensured by the imposition of a compliance condition.
166. The submitted Travel Plan is confirmed to meet it's requirements by the Council's Travel Officer. The City Trust's representation notes that some aspects of the Travel Plan are good, but there is criticism of the omission of existing problems, with the suggested solution, consistent with local residents, the basic redesign of the access, egress and internal circulation arrangements to allow access, for buses in particular, from North Road.
167. The provision of 60 cycle parking spaces within the site is considered low by the Trust and inconveniently sited. There are three cycle parking stores in the development, including visitor spaces 25m from the main building access and a large cycle store beneath a PV canopy within the site that is capable of expansion. This store is some distance from the two site entrances with a circuitous route in part necessitated by the use of ramps to address differences in in-site levels. By default, the location makes this, the largest of the cycle storage areas highly secure. The amount of cycle storage

is a significant improvement on that previously existing, which consisted of a single covered shelter on the north elevation of the demolished buildings, visible to visitors.

168. Criticism by the Trust of the in-site pedestrian circulation suggests the need for additional permeability into and across the site. The Trust's suggestions for permeability impact both on the landscaping layout, and on the imperative of securing the site for students. A significant design parameter has been securing the school layout – in terms of both the school day and to segregate after-school use: with this imperative driving this aspect of the proposed site layout.
169. There is concern for the demolition / construction phase of the development on a range of issues. Access and egress is proposed for the two entrances on Fieldhouse Lane, with some egress also proposed on North Road. Various representations suggest directing development traffic alternately, but ultimately subject to compliance with an agreed Construction Management Plan, and the condition suggested by Cllr. Scott to preclude the use of The Crescent by such traffic, standard mitigations, including for working hours, are considered capable of mitigating the effects of this element of the Highways consideration to an acceptable degree.
170. The proposals are concluded to meet the requirements of CDP Policy 21 and DCNP Policy T1 and T2 to a degree that is acceptable.

Layout and Design

171. A significant element of objection to the scheme, paragraph 137 of the Framework advises that 'early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot'.
172. The nature of the applicant's pre-submission engagement is a constant theme of complaint in a significant number of the representations received, with the above paragraph specifically referenced. There have been similar frustrations indicated during the course of the application.
173. The applicant has set out their pre-application consultation process in the submitted Planning Statement, where it responds to some of the concerns raised in the exercise. It is reasonable to accept residents' views that the short period between the applicant's consultation exercise and the submission of the scheme did not give time for the proposal to 'evolve designs that take account of the views of the community', and whilst the scheme presented attempts to anticipate potential problems it cannot benefit from being 'looked on more favourably'. This is however concluded a neutral issue, not counting against the applicant in the planning balance.
174. Across many representations there is also a theme of discussing the merit of design alternatives as opposed to what is proposed, some of these based around alternatives considered in the explanation of the evolution of the design as evidenced in the submitted Design and Access Statement, with others self-authored. Officers have pursued alterations to the proposals where possible but have also sought to concentrate correspondents' well-intentioned suggestions back to the scheme in hand.

175. 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. DCNP Policy S1 states development should, where relevant and appropriate, harmonise with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping, and conserve the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by designated and non-designated heritage assets. In DCNP Policy H2 sets out a range of criteria that development proposals within the Durham City Centre Conservation Area should take into account. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
176. The application is for a large institutional building. The applicant has submitted an assessment of scale, mass and materiality in the Design and Access statement, which considers both the site and surrounding development, inside and outside the conservation area. The heritage assets in the area are stone built and have a level of detailing that reflects their use and their status. It would be inappropriate for the proposed buildings to attempt to mimic this. For example, the immediately surrounding residential estates are generally red brick with render accents of a range of styles reflecting when they were built.
177. The building includes some restrained detailing as reference to the hall, including string courses and soldier courses, with recessed panels on the ground floor. The size and design of fenestration is led by minimum daylight standards thermal and ventilation efficiencies, with the external louvres a considered design feature. These are arranged to bring bay modulation to ensure the long lines of windows have some visual variety. On the main blocks a parapet hides the proposed PV panels and rooftop plant.
178. A schedule of high quality materials has been suggested, including a textured buff-multi brick of a colour and tone that will be complementary to the Hall. String and soldier courses add articulation and detail, with a contemporary approach to the fenestration in design and colour giving the new buildings a modern character. Within the site full building height openings capped with cast stone brings focus and drama to the main entrance of the new build. The proposed sports hall has a contrasting lightweight vertical metal cladding system to reduce visual bulk generally and specifically in relation to immediately adjacent dwellings. The details and materials are considered acceptable by the County Design Officer.
179. The Design and Access Statement sets out the relevant drivers that have been taken into account in concluding that a splayed U-shaped block was the required design approach. The height of the resulting design is a result of centralising the replacement buildings in one part of the site. This opens up the aspect of the exposed Hall from North Road. It avoids the principal protected mature trees on site that are critical in mitigating and potential conflicts with the World Heritage Site. It retains the screened and protected areas within the site, both for security, and to minimise noise spill and it retains and improves the existing outdoor in-site sporting facilities in existing position. The splay between the legs of the main building is to allow light and air to circulate to ensure the passive cooling and heating elements of the design critical for the net-zero carbon requirement to be met. This arrangement is not to accommodate the inclusion of a prayer garden, a concern of some residents.

180. In terms of appearance, the proposals are considered by Officers to meet a balance that requires erection of a very large building that is larger than the structures it replaces to meet modern standards. That the new structure is significantly larger than the building that should take precedence on the site, i.e. the old Hall, ensuring that the effect is a school built around and respectful of the heritage asset, rather than subsuming it, as has previously been the case is achieved with the revealing of the Hall to the North Road, the traditional entrance, where the historic building once again takes visual precedence.
181. The new build will have a greater presence when viewed from the Fieldhouse Lane entrance. The heritage aspects of this are discussed below, however the Hall has not been apparent from this entrance since the construction of the RAAC affected buildings. The building, as shown in submitted verified views is visible through the remaining and proposed trees, and 35m from the main site entrance on Fieldhouse Lane is more apparent and more visible, but, by virtue of being within the site and not street-frontage is not prominent in street views to a degree where significant Policy conflict becomes a concern.
182. The increased size and revised position of the building has significant implications for the residential amenity assessments, reflected in the concerns of residents in and near Fieldhouse Lane, but does lessen the effects of the former school buildings from residents in North End (at the head of North Road) and at the east end of South Crescent.
183. The matter of design is of course subjective, and some objectors are highly critical of the architectural and massing approach. The City Trust acknowledge that the design and materials approach is sound when viewed in isolation, although this is qualified in concluding the building is repetitive, bland and institutional. Officers do not agree. In conclusion of this topic, the appearance of the building and the justification for the design approach as evidenced in the submitted documentation is concluded an appropriate, high quality approach that will provide an excellent educational facility. It is accepted that the height of the buildings are functionally required. The extent to which this may conflict with the conservation area is discussed below. The extent to which this may conflict with expectations for privacy and amenity is also discussed below.
184. In conclusion of the above, the proposal is considered to meet the respective relevant requirements of Policies 29 of the CDP, S1 and H2 of the Neighbourhood Plan and part 12 of the Framework.

Heritage and Archaeology

185. 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.
186. The Neighbourhood Plan protects Heritage Assets through Policies S1, H1 and H2, the first seeking to conserve the setting and character of designated and non-designated heritage assets, the second framed around protecting the World Heritage Site and its setting, the latter requiring development to sustain and enhance the Conservation Area.

187. The NPPF advises through part 16 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.
188. The advice in the NPPF is informed by the statutory duties set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes statutory duties 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 with special attention also to the desirability of preserving or enhancing the character and appearance of a conservation area to be equally considered.
189. The impact of the proposed development on Durham City Conservation Area and the inner setting of Durham Castle and Cathedral World Heritage Site, and within the setting of numerous designated and non-designated heritage assets is a primary consideration in the determination of the application.
190. Informed by the advice of the County Conservation Officer, in terms of the effect in the significance of Heritage Assets, the main Victorian school building, formerly, "Springwell Hall", the lodge, cottage, walls/gate entrance onto North Road are non-designated heritage assets forming an important and high value group. It is noted that the Local Planning Authority's assessment of the heritage assets includes Springwell Hall Cottage, it being a complaint of some parties that the applicant's did not.
191. Springwell Hall was one of a series of rural estates of the local gentry around Durham where the manor houses took advantage of the sloping ground to allow cathedral views to intrude into the grounds, with the listed Obelisk an intervening focal point. Given this designed historic relationship it can be considered to play a positive role within the setting of Durham WHS with an intangible historic link. In modern times the visual link has been largely lost by the presence of the now mature trees and the erection of the large 6th form centre.
192. The current school site has until the current approved demolition scheme been dominated by modern blocks erected in the 1970s and 80s that in their layout and appearance are of their time and now considered low quality and visually suffering from their age. The two large blocks attached to the east and west sides of the Victorian hall building have been particularly negative in impacting adversely on the heritage structure's legibility, its original detached form, and its general visual appearance. They have further compromised the relationships to historically associated ancillary structures such as the gatehouse and cottage.
193. In addition, they have visually dominated and are negative in views from North Road and Framwellgate Peth, looking into the original entrance into the historic estate. As such, the demolition proposed through this application, and approved in parallel application DM/24/00883/FPA would be considered to enhance the significance and setting of the group of NDHAs and the immediate conservation area, recovering the Hall's detached form as originally constructed, making the hall visually more legible and appreciable from the public domain, and by removing the significant intrusion they cause between the hall, lodge, and gated entrance.

194. The applicant's heritage statement combined with the TVIA has assessed the impact within the setting of Durham WHS correctly identifying key vantage points from which the development would potentially be visible in the context of the cathedral viewed panoramically in its broad townscape and landscape surroundings. The document concludes that the proposed development would not have a perceptible impact due to screening provided by topography, landscape features and existing built development. While the development would be anticipated to be visible from specific ridge line vantage points in the south part of the city, given the distance, intervening factors as described above, and that it would replace existing development, the magnitude of overall effect would be low with the level of impact neutral. Accordingly, preserving the setting of Durham WHS and relevant attributes of its Outstanding Universal Value.
195. In relation to Springwell Hall there would be a positive impact following the demolition works but making good masonry, resorting an original window openings, modifying original windows where previously altered, and by removal of the intrusive modern dormer. The proposed installation of a new door and window and works to improve accessibility would be considered neutral in impact.
196. Internally within the Hall, new interventions and subdivision of single rooms/spaces are proposed most intensively at Level 01 within the rear part of the building where one large room would be altered to an office, corridors, kitchen, store etc. Elsewhere proposed interventions mainly replace existing modern interventions in the same general areas minus the creation of the stalls for the w.c in the rear wing at Level 00, and to the room in front where there would be greater level of sub-division by creating the smaller rooms of the hub, lab store, staff w.c and accessible w.c. The primary spaces, such are the front rooms, and main circulation are in the main conserved with some improvement by removal of later interventions reinstating the space back to how it was historically.
197. While there would be some adverse effect internally by the compartmentalisation of single rooms, this would be limited, balanced against the beneficial works elsewhere and overall, the historic plan form and internal arrangement would still be legible to a sufficient degree to enable how the hall was used to be understood, that is appropriate. When combined with the removal of the attached modern blocks and extensions, making good of fabric as necessary, improvement of the external elevations, and significant enhancement of re-establishing the hall detached form, the scheme as a whole would conserve and enhance the setting and significance of the NDHAs.
198. With the setting of the Obelisk as a designated heritage asset assessed in the context of the various eras of modern extensions to the school, from the 1960s flat roofed buildings to the 6th form centre and modern sports hall, it is clear that the relationship to the Hall has been historically separated. The proposed buildings are taller than those approved to be demolished, but the new structures are concluded elsewhere in this report as of a higher quality than the existing. The proposed and existing buildings have a similar separation from the designated heritage asset at +120m, and the significant presence of the intervening mature TPO'ed trees further mitigates any potential harm. The development is concluded to preserve the setting and historic interest of the Obelisk as a designated heritage asset.
199. The new development proposals would be concentrated along the west side of the school site where the surrounding character is mixed comprising of the fine 19th century street of Albert Street, the later Edwardian properties of Fieldhouse Terrace for example, and 20th century housing. In this street-scene, but virtue of the new development being of a higher design and aesthetic quality than the existing outdated and low quality buildings in a similar location there would, in the opinion of the County

Conservation Officer, be a slight enhancement within this part of the surrounding conservation area in accordance with Section 72 of the Listed Building Act.

200. This is contrary to the view of the Parish Council who consider the revised siting and scale of the proposals bring 'substantial harm' to the setting of the Conservation Area, the World Heritage Site and 'several listed structures' (these are not specified). This is on the basis of the proposal's design, appearance, scale and mass. There is some commentary on the design approach in this respect, but no further assessment.
201. The interpretation of 'significant harm' is a high level one when considering heritage assets, and relates to alteration or destruction, or from development within its setting, or a total loss of significance. There is a lesser threshold of 'less than substantial' is one where the harm would have a minor or moderate impact on an asset's significance.
202. The proposed 12.9m high west wing is respectively 35m and 25m from the primary and secondary accesses on Fieldhouse Lane, where existing trees and the dwellings in Fieldhouse Lane and The Crescent disrupt views into an enclosed site. The proposed buildings are by their nature of institutional appearance and are of a modern appearance to appear separated from and architecturally subservient to the Victorian architecture intrinsic to the status of a grand dwelling. The relationship to the Gatehouse is re-established at the most prominent and publicly visible gateway (the egress) to the site, with the visual intrusion of the proposed car parking. The larger replacement building will be more visible through the site entrances on Fieldhouse Lane and between dwellings in The Crescent, but this would not meet the threshold of 'less than substantial' harm to the Conservation Area.
203. In terms of the relationship to the other associated heritage asset, Spingwell Hall Cottage, once functionally tied to the Hall, it is significant that through modern extension, and the erection of a high boundary wall this dwelling has effectively turned its back on the Hall, physically and visually separating itself. The degree of disassociation is perhaps reflected in the Cottage being plotted outside the Conservation Area boundary. The continued separation of the Hall and the Cottage does not represent a heritage harm.
204. The proposals are concluded of benefit to the on-site heritage assets. It is Conservation Officers opinion that there is no harm to the World Heritage site and its setting, and no evidence has been presented to the contrary. The description at the start of this report identifies the surrounding designated heritage assets. Separated by significant belts of protected mature trees, no harm has been found in the relationship of the proposals to their settings – if anything the opened vista of the Hall available from North Road compliments the wider settings of The Grey Tower and St. Cuthbert's Church from North Road.
205. The apparently contentious relationship of the new buildings, set back from the Fieldhouse Lane boundary and site entrances are not considered to constitute harm.
206. This aspect of the proposals is attributed positive material weight.
207. The proposed development, considered as required against the duties imposed by s.66 and s.72 of the Listed Buildings and Conservation Areas Act, the advice in the NPPF and NPPGs, Policies 44, 45, S1, H1 and H2 of the two parts of the development plan are concluded acceptable, subject to conditions to secure detail requested by the County Conservation Officer.

208. Archaeology Officers have confirmed that as the development is on ground that has been disturbed by previous structures on the site, there are no archaeological constraints.

Residential Amenity

209. 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. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The SPD is referred to by the applicants and objectors alike. This is a document that contains specific advice for residential development. With no directly relevant advice set out within it, it can be taken as a reasonable starting point for assessment and general considerations of amenity relationships from other forms of development as a guide. To this end, it states that,

'All new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts.'

Also materially relevant are 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.

210. Guidance within the SPD advocates separation distances of 21m between facing principal residential elevations. It is advised that additional separation may be required where there are changes in levels across a site or where additional storeys are proposed.
211. The residential amenity relationships are a significant area of contention for the scheme, and the greatest area of potential Policy conflict. In terms of the physical effects of the development, the demolition of the RAAC affected buildings east of the Hall, with a replacement by a car park are a significant benefit to the residential amenity of the dwellings nearest to the site egress onto North Road, whose concerns relate to controlling vehicle movements and lighting in that area. The effects of car movements in this area as an alternate use of this part of the site will be screened by existing structures, including the Gatehouse, and boundary markers including hedges and evergreen trees. Residential privacy and amenity for neighbours in this part of the site is improved. A condition to control detail will ensure this.
212. There are three specific residential amenity relationships in particular that must be assessed, and that will be key determinants in the planning balance: to The Crescent (South Crescent), to Springwell Hall Cottage, and to Finchale in Fieldhouse Lane. Other dwellings in Fieldhouse Lane are affected, but each by degree proportionately less affected than Finchale.
213. There are then three main components to the assessment on residential amenity: For privacy (including safeguarding), for overlooking and for outlook.

214. Neighbours in The Crescent as described above have long gardens where facing the new-build elements of the site, with some benefitting additionally from the presence of garden trees and trees within the site to separate relationships. Only the latter, within the control of the applicant, can be relied on in the planning assessment. Whilst the proposed buildings are closer than those existing, the nature of the buildings is such that there are no privacy implications and the use of the proposed facing sports hall and changing facilities for amenity relationship is mitigated by the separation distances. The separation ranges from 49m to 60m for the sports hall buildings that display some high level windows but effectively introduce no overlooking. The separation distance includes 20m within the school that is formed of and is proposed continued use of the main one direction spine road, staff car parking, a bus layby and a protected bus drop-off pedestrian area.
215. As part of the amendments a pedestrian access into the sports hall has been moved from the west elevation where it faced the rear wall of Springwell Hall Cottage, to the north elevation, facing the rear gardens of The Crescent. There has been one objection in relation to this – asking for control of after-school activities. A condition to achieve this is contained at the foot of this report. The physical relationship of the new buildings on the north boundary to dwellings in The Crescent is considered acceptable.
216. With the proposed new buildings concentrated in the west part of the site, the critical privacy and amenity relationships for assessment are focused on the dwellings to the west, the amenity aspect simplistically relating to overshadowing from massing. The relationship of the school to Springwell Hall Cottage, physically, functionally and historically, is described elsewhere in this report. This dwelling site as backland behind The Crescent and Fieldhouse Lane in footprint, curtilage and drive access actually physically separates the other affected dwellings in Fieldhouse Lane from the site boundary. Nonetheless, the effect of the proposed buildings on Finchale, Sunnyside, Springwell Cottage and 1,2 Springwell Villas, in addition to Springwell Hall Cottage is significant.
217. The assessment must include the construction of an approved single storey extension at Finchale commencing construction just as the application was lodged that is being erected at Finchale. The extension will have a clear glazed roof lantern on a flat roof. The extension projects, off-set from the rear of the dwelling, projects 12m from the main rear elevation, forming an L shape with an existing 7m single storey extension, with new windows facing across the rear elevation. There is no new window on the end of the extension facing towards the school
218. An additional factor in the assessment of privacy for Finchale is the presence of a large, clear glazed first floor bathroom window, with privacy and safeguarding concerns offered for the presence of the opening. Loss of privacy in rear gardens from overlooking classroom and staffroom windows, loss of natural light and changed patterns of pedestrian and vehicular movement are also offered as objections as the principal concerns from this dwelling, for use of both the dwelling and its gardens.
219. At Springwell Hall Cottage, as described above, a modern extension has been added to the Non-Designated Heritage Asset. This extension on the one hand has ensured a high degree of privacy from the school by physically shielding the main garden area by its presence. The extension is however heavily glazed on both sides, with one side facing towards a high wall and the school beyond. This extension has claimed an evolved separation from the school from the growth of trees within the school grounds – recently removed under the s.211 procedure referenced above.
220. Latterly and during the course of this application, a narrow window to serve an existing office has been introduced into the side (east) elevation of Springwell Hall Cottage,

with the south facing garage doors replaced by a window and an industrial style pedestrian entrance door. This was verbally described (Case Officer site visit 03.07.24) as serving 'studio' accommodation for a family member. There was no evidence of and appeared no intention of providing separate toilet and kitchen facilities and the space is connected to the main house, sharing living accommodation and facilities. Internal building works were at a very early stage.

221. In terms of these new windows in particular, relevant in the assessment of residential amenity, as noted in the SPD, will be the type of window impacted upon i.e. whether it is a primary or secondary window. There is no definitive definition of what a habitable window is. For Planning purposes, it is usually a judgement based on the nature and extent of the dwelling: a bedroom window in a bedsit can be interpreted as serving a habitable room, a bedroom in a mansion is unlikely to be. There are definitions of such in the advice behind the Building Regulations, but these relate to the intent of that legislation – not to amenity assessments.
222. Officers indicated concern for the privacy element of the proposals for the relationship to dwellings and gardens in and behind Fieldhouse Lane following Officer site visits to a number of dwellings as part of the assessment of the application.
223. The effect of the proposed west wing on the other dwellings in Fieldhouse Lane can be led by a detailed assessment of the effect on Finchale, which as the nearest directly facing dwelling is the most affected – the other dwellings in Fieldhouse Lane being affected by consistent concerns, but due to the splayed arrangement of the proposed footprint, each less affected by virtue of a greater separation. 1 and 2 Springwell Villas, albeit having 3 storeys of accommodation have the structure of Spingwell Hall Cottage directly behind them bringing some interruption to this relationship, having an oblique separation of over 60m from the proposed 3 storey proposed facing elevation from their rear 2 storey rear wings. The current construction of a replacement rear extension at Finchale, with a flat roof and lantern roof window, the proposed 3 storey school block is 42m from the two storey rear of the existing dwelling and the clear bathroom window, at an angle of 45 degrees. The new building is between 15m and 20m closer than the existing. Springwell Hall Cottage has a more oblique relationship, privacy implications relating to the garden areas, the rear dining room windows, and the recently introduced additional windows.
224. The applicant has responded with an amended elevation including part-obscured glazing on the west and north elevations on all floors. Glazing is obscured to 1800mm (6ft) above floor level, with the remaining glass clear glazed to assist with the thermal efficiencies described in the Sustainable Buildings section of this report, and to improve elevational appearance. To achieve these efficiencies the obscuration will have to be permanent rather than by window film. For the same reason the windows would be non-opening. These devices can be ensured in perpetuity by the imposition of a condition, along with specifying the required level of obscuration.
225. The introduction of obscure glazing is considered to remove privacy concerns from this part of the site for all dwellings west of the site. Some correspondents have acknowledged the improvement at reconsultation.
226. With the potential for overlooking removed, the parallel aspect of the safeguarding must be examined. The issue of safeguarding is principally identified as relating to the presence of a large, clear glazed bathroom window on the first floor rear elevation of Finchale, that allows clear view of that property's shower. The obscured glass removes the potential for safeguarding issues from the new windows.

227. As a further aspect of the safeguarding issue, the more defined circulation routes proposed along the spine road will, notwithstanding that no additional capacity is being added to the school, bring a more concentrated usage. With a high wall and fence on the shared boundary of Spingwell Hall Cottage and currently existing seasonally apparent intervening flora on the rear boundary of Finchale, the difference in use between the existing arrangement and that proposed is not such where it is considered a safeguarding issue from ground level is significant, this effectively being an existing relationship.
228. Residents had asked whether the 'splayed' wing of the building could be realigned square to push the building further away, under the impression that the arrangement was only to facilitate inclusion of a specialist garden, however this arrangement is a result of the need to orientate the building and windows for ventilation and thermal gain.
229. The second part of the residential amenity assessment for the relationship to the dwellings on the west side of the site is from overshadowing. The existing buildings were set back from the spine road, with the single storey buildings and walled service compound 17.4m from the site boundary, and the two storey buildings 28m from the same. The former buildings did come within 20m of the site boundary as the road curved beside Springwell Hall Cottage.
230. The new buildings are both significantly taller and come closer to the site road and the site boundaries beyond, being within 13.7m of the boundary wall, separated by the spine road, a deliveries layby and the main pedestrian/cycle circulation path. It must be noted that it is not strictly accurate to describe the respective residential and school structures in terms of 'stories', given the differences between residential and non-residential room heights. The proposed new building, with three floors of accommodation and a parapet roof designed to screen plant and PVs is 12.7m in height.
231. Springwell Hall Cottage was identified pre-submission as of particular regard in terms of massing and window relationships, close to the boundary. Reflecting this relationship, the applicant has arranged a series of structures that step up from that property, the changing rooms, activity rooms and then sports hall, with the uses of those buildings all at ground floor level. This lowers the building in relation to the dining room windows that face towards the site, A bedroom and over window on the gable end of the older part of the dwelling looks, over a high boundary wall, along the school's spine road – as existing and as proposed. As noted above, since the submission of the application, the owner of that dwelling has added additional windows and a door to replace the former garage dwelling and a narrow slit window to serve an office, introducing additional relationships.
232. With on-going concerns raised during the course of the application the applicant has responded additionally submitted a Sunlight and Daylight Analysis. Within it the effect of the development on the surrounding buildings has been assessed using recommendations set in Building Research Establishment (BRE) Technical Report BR 209 (2022) 'Site layout planning for daylight and sunlight: a guide to good practice'. The report describes BR209 'the de facto standard for planning and daylight and sunlight availability. BR209 provides guidelines, sets targets and describes the methodology to assess the daylight and sunlight availability for buildings'. The report describes the effects on both windows and external spaces, using the former school buildings as a baseline condition, calculating: changes in daylight availability at windows of surrounding properties, changes in sunlight availability at window locations, and provision of sunlight into external amenity areas and public spaces.

233. Officers have extrapolated the information within the report to provide a rough assessment of the effect on the new windows at the Cottage, although these are not considered to serve a main habitable room on the basis of the description of the accommodation they serve verbally relayed by the householder, reflected in the BRE assessment that attributes less importance to rooms that are not living rooms or conservatories. The assessment considers an area three times the height of the proposed buildings (including changes in level), which in this instance equates to an area including the majority of the curtilage of Springwell Hall Cottage and the rear gardens of Finchale and Sunnyside in Fieldhouse Lane and 10-18 The Crescent.
234. As quoted within the report, BR209 qualifies itself, stating, 'The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design'. Both the total amount of daylight and its distribution within a building are important, and whilst the report acknowledges that the uses of all internal rooms are not known, a worse case scenario has been adopted.
235. For daylight to windows the assessment, BR209 requires one to, 'draw a section in a plane perpendicular to each effected main window wall of the existing building. Measure the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. The submitted assessment sets out that, 'In the baseline condition, all receptors exceed the VSC target of 27%. In the proposed condition all receptors continue to exceed the VSC target of 27%', 'indicating that daylight availability will not be adversely affected'.
236. For the sunlight to windows assessment, the report assesses the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness for the location in question. The calculation of the probable sunlight hours is orientation dependant and the calculations produce the percentage of annual (APSH) and winter (WPSH) number of probable sunlight hours that the point on the window receives. BR 209 states: 'If the window point can receive more than one quarter (25%) of APSH, including at least 5% of APSH in the winter months between 21st September and 21st March (WPSH), then the room should still receive enough sunlight'. The report concludes that all windows continue to receive a $APSH \geq 65\%$ and $WPSH \geq 24\%$ and is ≥ 0.89 of the baseline conditions indicating that sunlight at all relevant windows is not adversely affected.
237. The results of the sunlight penetration study for amenity areas shows 'the percentage of the amenity area which receives at least 2 hours of direct sunlight on 21 March' indicated that for the potential loss of direct sunlight in the residential gardens of Finchale and Sunnyside: 'all adjacent residential gardens receive at least two hours of direct sunlight over 50% of the space on the 21st of March in the proposed condition, meeting the targets set in BR 209'. Finchale and Sunnyside 'may experience a negligible reduction in the sunlight enjoyed however, the ratio is not lower than 0.8 of baseline and therefore the reduction will not be noticeable to the occupants'.
238. The BRE Report tool advises on planning developments for good access to daylight and sunlight, and is widely used by local authorities during planning permission to help determine the impacts of new developments. As a professionally prepared systematic approach to the assessment of this component of residential amenity, Officers attribute

significant weight to its conclusions in the absence of any evidence to the contrary and rely on its findings.

239. Members are aware that a loss of view is not material in the planning assessment, with some residents losing views across the school site from Fieldhouse Lane to St. Cuthbert's Church. This however is a different interpretation to 'outlook'. Both the County Plan and the Residential Amenity Standards SPD set out that all new development, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of outlook for occupiers of existing dwellings. This issue would sit under Policy 31, which paraphrased states, proposals which will have an unacceptable impact such as through visual dominance will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing community facilities do not have any unreasonable restrictions placed upon them as a result.
240. The proposal sits uncomfortably with this requirement. Notwithstanding separation distances of between 45m and 75m to dwellings in Fieldhouse Lane, the proposed structure will be a dominant structure and a significant change in outlook. The relationship to Springwell Hall Cottage is more complex. The changing rooms, activity space and sports hall have been arranged to mitigate the effects of massing on outlook from the north-east facing windows of the modern dining room extension to that dwelling. The south-east facing windows of the main dwelling are in part screened by the presence of the single storey extension but do have a direct view of the angled west wing of the new building. The application contains some sectional drawings to illustrate the relationships. The separation distances mitigate by degree. The impacts are still however significant. The separation distances involved are likewise significant. The degree to which this issue is weighted will need to be assessed in the overall planning balance.
241. A neighbouring resident near the North Road egress has asked that the potential for external lighting arrangements to be robustly controlled to ensure future residential amenity. This aspect of the proposals can be addressed by an appropriate condition to agree the detailed placement, spread and usage of lighting, should the scheme be approved.
242. Objectors have further contended that light spill from the building has the potential to unreasonably affect residential amenity. With a minimum separation of over 45m to the main rear elevations of dwellings in Fieldhouse Lane, and an oblique relationship of new windows to Springwell Hall Cottage from the windows on the main west facing elevation, and the closer north elevation – where windows are set back over 6.6m from the corner of the building, officers conclude any effects from this issue are not unreasonable.
243. The location of the bin store has been raised as an additional source of potential distress to the residents of Fieldhouse Lane. This is sited in similar relationship to a plant/service compound and space apparent on the former school layout. Sited 25m from the rear blank elevation of the new single storey extension at Finchale and with the entrance facing away from it, there is no unreasonable impact on residential amenity from the siting of this facility, nor its use. A condition is proposed to control refuse arrangements.
244. A further element has been introduced, which is for the uses of the spaces involved, particularly from the evening uses that are an integral component of most educational establishments. Springwell Hall Cottage had identified the presence of an access into the proposed sports hall – where evening uses are likely to be concentrated – as a potential harm to amenity. As part as a suite of amendments to respond to residents'

concerns where possible the access has been moved to the north elevation, facing across over 22m of site circulation space that includes parking bays, the spine road, and the retained locations of the bus drop-off points and segregated parking areas, then, separated by a medium height wall, +40m private gardens, set at a lower level than the school site. One representation has raised concern at the revised arrangement, following a targeted reconsultation exercise. The separation, change in levels, and proportionate enforcement control by the Local Planning Authority via the imposition of a condition to agree a 'community use agreement' that has proportionate regard to the history of such activities on the site is sufficient to mitigate this concern.

245. The multi-faceted aspects required assessed against reasonable expectations of privacy and amenity are considered by Officers a key determinant in the planning balance. In basic summary, the privacy concerns are considered appropriately mitigated by the introduction of part obscured glazing on the proposed west wing. The same mitigation addresses to an acceptable degree safeguarding concerns raised for the relationship to the rear of Finchale. The submitted daylight assessment is relied upon to show that effects on direct sunlight and daylight, and whether the proposal is unreasonably overbearing, when considered in the context of CDP Policy 31.

Ecology

246. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
247. The County Ecologist considers the supporting ecological survey work is sound. No protected species were found on site and appropriate surveys were undertaken to determine their presence / absence.
248. The metric indicates that a 10% BNG can be achieved and outstanding queries relating to the timing of the implementation are capable of resolution: currently it states that there is no delay in starting habitat creation or enhancement (due to no data being added to this section of the metric). Initial queries relating to delay between impacts on habitats and the creation of new habitats have been accounted for in the metric. The validation checklist asks for a draft Habitat Management and Monitoring Plan to accompany the application, however given the scale of the works the County Ecologist advises that this need not be requested at this stage.
249. A s.106 legal agreement is required to secure the biodiversity management and monitoring measures, including fees for monitoring through Section 39 of the Wildlife and Countryside Act 1981 which enables local authorities to enter into management agreements with the owner of land for its conservation.
250. The submitted scheme meets the requirements of the for BNG as set out in the County Plan. It is noted that an unintended consequence of the density of planting required to achieve the BNG requirement results in a crowded landscape scheme that has implications for on-going maintenance.

Flooding and Drainage

251. 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 tests are passed, informed by a site-specific flood risk assessment.

252. The development is wholly within Flood Zone 1. Council Drainage Officers, as Local Lead Flood Authority advise approval of the surface water management proposal as set out in the Drainage Strategy document which confirms all new trafficked areas including all new parking areas are to be in permeable construction. The connection to the public sewerage system must be approved by Northumbrian water Ltd. (NWL). NWL have not responded to their consultation, however on the basis that the proposal involves the redevelopment of an existing site with no proposed increase in capacity, there is no reason to believe that the necessary connections cannot be agreed.
253. On the basis that Drainage Officers have confirmed that the proposal complies with Council Policy and National Standards in providing a sustainable surface water management solution for the proposed development, and with no obvious apparent obstruction to the required agreement to connect the redevelopment into the foul sewer, subject to a condition to ensure the proposed development is implemented in accordance with the submitted Drainage Strategy, the drainage elements of the scheme are concluded compliant with the requirements CDP Policies 35 and 36, and elements parts of parts 14 and 15 of the Framework.

Sustainable Buildings

254. Policy 29 of the County Plan requires all development proposals will be required to achieve well designed buildings and places minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Policy S1 of the Neighbourhood Plan has similar requirements, 'securing, wherever possible, on-site renewable energy generation, minimising energy consumption and carbon emissions'. This aspect of the scheme has been subject to objection.
255. The objection, referencing the Supreme Court Case (above) does not appear to take into account the Sustainability Statement submitted in support of the application that sets out both the sustainable design philosophy for the development which leads to a 'Net Zero Road Map' to integrate with the School's progress towards Net Zero operation. The building has been designed to achieve Net Zero Carbon in operation as defined by the UK Green Building Council (UKGBC), an industry network aimed at driving sustainability of the built environment. In addition to setting out the approach to 'resilient buildings', i.e. making sure the buildings are capable of adapting to future climate change, the Statement sets out an Energy Strategy that includes consideration of Operational Carbon – Access to natural light, all electric air-source heat pumps, hybrid ventilation and heat recovery systems, low energy LED lighting, photovoltaics, Embodied Carbon – reusing materials and sourcing lower carbon materials, and Supply chain engagement for materials and services. The Assessment extends to Health and Wellbeing, SuDS and use of Green Spaces.

256. The Assessment contains checks and reporting at specified stages of the build process using BS EN 15978:2011 'Sustainability of construction works'. This is considered to bring compliance with this Policy requirements

Landscape

257. Policy 39 (Landscape) states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The site is not affected by any landscape designations. The context of the site for 'important views' is discussed elsewhere in this report in terms of the effect on and to the setting of both the Durham City Centre Conservation Area and the World Heritage site, each concluded acceptable. The relationship of the proposals to off-site landscape designations is likewise discussed below. No harm is concluded.

258. Policy 26 (Green Infrastructure) requires development to maintain and protect, and where appropriate improve, the county's green infrastructure network which will help to protect and enhance the county's natural capital and ecosystem services.

259. Policy 40 (Trees) is complementary to both the above policies, stating 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.

260. Landscape Officers have further investigated the proposed landscaping scheme, both for the application at hand, and in relation to the recent approval of demolition works and from the s.211 Trees in Conservation Areas process, with the proposals including mitigation planting for some of the trees lost. Those trees were assessed in detail and concluded not to be worthy of Preservation Orders, being smaller specimens of value in site, but with limited impact on the public domain and the Conservation Area.

261. The tree loss that predates this scheme has caused much contention. This involved trees within the site with limited wider value along with trees alongside the spine road for which there were claims for private amenity value for the dwelling at Spingwell Hall Cottage. A detailed survey of the trees was carried out by the County Tree Officer along with an assessment on wider public amenity and the effect on the Conservation Area. An alternate tree assessment provided by a neighbour was given due regard, but contained significant issues. The tree removal notice and the application for the demolition of the buildings west of the Hall were submitted and determined within the required national timescales, and whilst the current application was submitted after them, there was sufficient overlap to allow the proposals to be considered against each other. The applications were assessed in detail, contrary to the view of some objectors that the process was rushed, 'sleepwalked' into, or represented 'a lack of scrutiny'. Officers firmly rebut these statements.

262. Replacement trees are proposed on a roughly five to one ratio. There is planting proposed where near to Springwell Hall Cottage that will soften but not screen the relationship of the proposed buildings by degree and provide interest alongside the in-site circulation routes.

263. The proposed landscaping scheme is crowded in places and there are elements that will require intensive maintenance. This is an unintended consequence of the BNG requirements, where the volume of planting proposed brings benefits. The planting scheme presented is advised as acceptable in its own right. Improvements can be

made to improve the scheme in appearance and functionally, and it has been confirmed that this can be achieved without compromising the BNG requirements.

264. One aspect of the application that is not fully resolved in terms of tree works is the potential for additional works to be required as the construction access from Fieldhouse Lane. The application sets out alternatives for either suspension of residents parking bays on Fieldhouse Lane, or additional tree works at the construction access. Only one of these alternatives is within the power of the applicant: the tree works. The trees in this area were assessed by the Council Tree Officer as part of an assessment that took place for the s.211 and first demolition applications described above. The trees are not either individually or as part of a grouping at the site entrance worthy of a Tree Preservation Order but do provide some amenity and character to the Conservation Area. On the assumption that agreement for suspension of the parking bays may not be reached it is not considered that the tree works required to access the site works could form a reason for refusal, providing an appropriate scheme of reinstatement of the verge and replanting is provided as part of any approval.
265. The proposals have been assessed in terms of Policy 39 for landscape, along with complementary elements in Policies 6, 29 and are concluded acceptable.

Demolition

266. This report to this point has assessed the site specific aspects of the proposals. The 'need' for the proposals is driven by the required demolition of the school following the discovery of Reinforced Autoclaved Aerated Concrete (RAAC) within a range of the school's modern extensions. This has led to many pupils now being taught in temporary accommodation. The proposal is for a new 'state of the art' school, that achieves net zero in construction and operation, and in a conservation area setting, is built of high quality materials with a high quality, architect designed scheme.
267. The buildings proposed are a significant improvement in their own right and in comparison to the former structures in appearance, operation and efficiency, all aspects of positive weight in the planning consideration.
268. This application includes the demolition of the modern structures east of the Hall. A Demolition Method Statement is included as an appendix to the submitted Air Quality Assessment, and follows a similar methodology agreed for the more extensive demolition works agreed through approval DM/24/00883/FPA for the buildings to the west of the Hall. The approach is considered to appropriately reflect the reasonable amenity expectations of surrounding residents for the demolition works and the removal of material from the site.
269. Whilst one complaint has been received for dust suppression for the approved works to the west of the Hall, the supporting information actually showed the dust control measures in operation.
270. The demolition plans sets out vehicular transit routes. Noted above, Councillor Elizabeth Scott asks for a specific additional condition for clarity to prevent the transit of any site traffic through The Crescent. This is appended below.

The Replacement School

271. The new school is not just a building, but also an essential educational community serving the needs of children paragraph 99 of the Frameworks sets out, 'It is important

that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

272. Officers attribute great weight to the facility the proposals will provide, noting the context of this weight as described by the supporters of the scheme that have responded to the consultation exercise. Many objectors to the scheme note that in principle the need for replacement is accepted.

Planning Obligations

273. Paragraph 57 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. An agreement is required to ensure the delivery and on-going management and monitoring of the BNG offer and this is proposed secured by condition in reflection of the applicant's apparent timescales. This is considered both necessary, and to meet the tests set out.

Other Considerations

274. The St Leonard's site does not contain any playing fields on-site and there will be no loss of playing fields through the redevelopment. Where there are less formal sports facilities on-site, the existing MUGA remains unaffected, and the marked games areas on the internal central hardstanding areas are proposed to be fenced and upgraded as part of the DfE requirements for the site. There will be no conflict with Policy 26 (Green Infrastructure) and no implications for Sport England's policy on playing fields.

275. Policy 32 of the County Plan requires any existing despoiled, degraded, derelict, contaminated or unstable land issues to be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development. The submitted reports have demonstrated an acceptable approach to this issue, which can be ensured through the imposition of appropriate conditions and informatives. Compliance with this Policy and the advice set out in part 15 of the Framework is concluded.

276. The development is not affected by records of historic mining activity that would necessitate submission of a Coal Mining Risk Assessment and consultation with the Coal Authority.

277. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. This includes infilling in an otherwise built up frontage within a settlement. This Policy is not considered to apply.

278. Policy 28 (Safeguarded Areas) is relevant in so far as the height of the buildings proposed necessitates consultation with the Meteorological Office to ensure their radar site at the High Moorsley is not adversely affected by the development. The Met. Office confirm that the development will have no impacts on their operation.
279. Objections include reference to Policies in the City of Durham Local Plan, which was replaced by the County Durham Plan and the Neighbourhood Plan in 2020. These have no relevance. Reference is also made to current Development Plan Policies that do not directly affect the site:
- The site is not within Green Belt. The nearest Green Belt is east of the Framwelgate Peth A691, wrapping around the County Hall car parks where additional temporary off-site classrooms is proposed. With over 140m separation between the designated land and the nearest proposed building, with an intervening mature protected tree belt, the Hall, North Road and the A691, the proposed scheme has no impact on the openness of the Green Belt and no conflict with the requirements of Policy 20 (Green Belt) of the County Plan nor part 13 of the Framework. With the buildings east of the Hall removed, there is if anything a lesser effect on openness.
 - The site is not within an Area of High Landscape Value (AHLV). Policy 39 defines the extent of the AHLV, which in this area mirrors the extent of the Green Belt as described above and extends to include the grounds of St. Cuthbert's Church, extending south from there to include Wharton Park and the Grey Tower. Again, the separation and intervening features are such that the proposed buildings do not affect the special qualities of the landscape. There is further AHLV designation west of the site in Flass Vale. The nature of the topography of the Vale – by definition a depression, and the presence of intervening residential streets ensures there is no relationship between the development and the landscape designation. There is no conflict with Policy 39 (Landscape) of the County Durham Plan nor part 15 of the relevant elements of part 15 of the Framework.
 - Reference is made to Sites of Nature Conservation Interest. There is no designation on or adjacent the site. Flass Vale, described above, is a Local Nature Reserve. The objection is to the spatial relationship to the Reserve and no conflict with Policy 43 (Protected Species and Nationally and Locally Protected Sites) nor the relevant elements of Part 15 of the Framework. The County Ecologist has raised no concerns in this regard.
280. During the course of the application objectors have referred at early stages and at various points to the potential for Judicial Review against any positive recommendation. Such legal action would depend upon identification of a legal error in the planning decision. The complaints have been non-specific in terms of what the apparent error is and Officers do not consider that there is any legal error in this report. However, this is a matter which would have to run its course after a decision is reached on the application.
281. There has been a complaint that not all the information required to validate the application was available from the start. Some documentation was missed in what was a large submission. Where documents were submitted late, or where additional documentation was submitted to address concerns raised or provide additional information to assess, they have been made available so to allow all parties sufficient time to access and comment – there having been two reconsultation exercises for specific properties. Durham County Council takes a pragmatic approach to validation

to balance the potential for delays to potential developers, whilst ensuring that all parties have proper access to documentation, and the time to consider it.

282. There is further complaint regarding the apparent inaccuracy of an 'Illustrative Masterplan'. This shows the scheme superimposed onto an aerial image to show the context of the proposals to its surroundings. With a suite of drawn, accurate plans submitted, it is considered that both in title and appearance that the plan is illustrative rather than definitive in content.
283. As set out in more detail above, the proposal has generated escalating public interest, with, as this report is written, 223 representations, which as a headline consist of 44 objections, 13 representations and 165 letters of support. Within this total there are some elements of repeat representations and some multiples from individual addresses. The objections, queries and concerns and positive elements raised have been taken account and addressed within the report, where appropriate.

CONCLUSION

284. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
285. In principle the development is the rebuilding of an existing facility, with existing arrangements for access and egress, with no increase in capacity proposed, with existing after hours usage and with existing problems and conflicts with the surrounding community. These aspects must all be given due regard in the assessment.
286. Heavily weighted in support of the application, paragraph 99 of the Framework advises that great weight should be attributed to the need to create or alter schools through decisions on applications.
287. Contrary to the views of some consultees, the proposed scheme in its own right is considered an appropriate high quality development that is of benefit to the on-site heritage assets, whilst sitting appropriately in the setting of the Durham City Centre Conservation Area. There is no effect on wider heritage assets including the World Heritage Site.
288. The site and the development are considered sustainable in nature and appropriately laid out to be attractive to sustainable means of transport, an improvement on the existing facilities.
289. The proposals improve the indoor and outdoor sports facilities the school offers both to students and for wider community use that is a required element of school developments. Neighbouring residential amenity implications of this out of hours use can be controlled on site by condition. Off-site, historical issues with parking in surrounding streets are not addressed by the application and remain broadly neutral in the planning balance.
290. Landscape and BNG topics are appropriately addressed and attributed neutral weight in the planning balance.

291. With the new buildings concentrated on the west side of the site, issues with residential amenity have been concentrated in this area, with the potential for material weight against the application.
292. Amendments to the proposals during the course of the application have addressed privacy and safeguarding issues to an acceptable standard. The submitted daylight and sunlight assessments demonstrate that these aspects of the scheme are acceptable.
293. The outstanding issue is that of outlook. Officers have concerns for this aspect of the scheme, but on balance, despite the significant increase in height and the closer arrangement of the new building, the relative relationships from the detailed separation distances for the dwellings in Fieldhouse Lane, and the orientation and layout of the dwelling at Springwell Hall Cottage is such that the harm is not such that it is considered that it could sustain a refusal, both in terms of the Development Plans Policies and in light of the presumption in favour of sustainable development set out at paragraph 11 of the Framework, that development proposals should be granted permission unless,
 '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'.
294. Notwithstanding the separation distances involved and described above, Officers do consider that the proposals are harmful in terms of loss of outlook. S38(6) of the Act requires a balancing exercise to assess this harm in terms of the benefits of the scheme.
295. The benefits of the development in providing a modern learning establishment, in a highly sustainable form, reflecting the support the proposals have received from the school community, in a form that provides benefits to the appreciation of heritage assets on the site, is in Officer's opinion concluded to clearly outweigh the acknowledged harm arising from loss of outlook,
296. No other aspects of significant negative weight have been identified that would balance the Officer recommendation against the proposals. They are recommended accordingly.

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.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 agreement to secure on site biodiversity net gain and to following conditions:

TIME LIMIT

1. Development shall be commenced before the expiration of three years from the date of this permission.

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

APPROVED PLANS

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

Landscape Drawing	Reference no.	
Whole Site Plan	SRP1150-ONE-ZZ-ZZ-D-L-0002	P16
Landscape Site Plan Sheet 1	SRP1150-ONE-ZZ-ZZ-D-L-0003	P11
Landscape Site Plan Sheet 2	SRP1150-ONE-ZZ-ZZ-D-L-0004	P12
Circulation Strategy	SRP1150-ONE-ZZ-ZZ-D-L-0005	P13
Access Security	SRP1150-ONE-ZZ-ZZ-D-L-0006	P14
BB103	SRP1150-ONE-ZZ-ZZ-D-L-0007	P12
UGF	SRP1150-ONE-ZZ-ZZ-D-L-0008	P12
Refurbishment Remodelling Strategy	SRP1150-ONE-ZZ-ZZ-D-L-0009	P09
Site Sections	SRP1150-ONE-ZZ-ZZ-D-L-0010	P09
Tree Removal Protection Retention	SRP1150-ONE-ZZ-ZZ-D-L-0012	P09
Site Sections	SRP1150-ONE-ZZ-ZZ-D-L-0013	P06
External Sports Provision	SRP1150-ONE-ZZ-ZZ-D-L-0014	P07
Detailed Planting Plan [Sheet 1]	SRP1150-ONE-ZZ-ZZ-D-L-0201	P08
Detailed Planting Plan [Sheet 2]	SRP1150-ONE-ZZ-ZZ-D-L-0202	P08

Architectural Drawing	Reference no.	
Planning Proposed GA Level 00 Plan New School Building	SRP1150-RYD-01-00-D-A-3010-S5 P5	
Planning Proposed GA Roof Level Plan - New School Building	SRP1150-RYD-01-RF-D-A-3013-S5P5	
Planning Proposed GA Elevations - New School Building Sheet 1 of 2	SRP1150-RYD-01-ZZ-D-A-3610-S5 P6	
Planning Proposed GA Elevations - New School Building Sheet 2 of 2	SRP1150-RYD-01-ZZ-D-A-3611-S5 P5	
Planning Proposed GA Sections - New School Building	SRP1150-RYD-01-ZZ-D-A-3810-S5 P5	
EFAA Proposed Planning General Arrangement Elevations	SRP1150-RYD-02-ZZ-D-A-3610-S5 P6	
Planning Proposed GA Long Elevations	SRP1150-RYD-ZZ-ZZ-D-A-3612-S5P6	
Planning Proposed GA Level 01 Plan - New School Building	SRP1150-RYD-01-01-D-A-3011-S5 P2	
Planning Proposed GA Level 02 Plan - New School Building	SRP1150-RYD-01-02-D-A-3012-S5 P4	
Planning GA Substation	SRP1150-RYD-01-ZZ--D-A-3030-S5P1	
EFAA Proposed Demolition Plans	SRP1150-RYD-02-ZZ-D-A-0410-S5P3	
EFAA Proposed Planning General Arrangement Plans	SRP1150-RYD-02-ZZ-D-A-3010-S5P2	
EFAA Proposed Planning General Arrangement Sections	SRP1150-RYD-02-ZZ-D-A-3810-S5P1	
Site Location Plan	SRP1150-RYD-ZZ-ZZ-D-A-2000-S5P3	

Reports and Strategies

Air Quality Assessment, prepared by Apex Acoustics, ref. 11599.3;
BNG and Ecological Impact Assessment, prepared by Dendra (ref. BAM_St.Leonard's_EclA1.2 dated 17 June);
Construction Phase Plan, prepared by BAM Construction Ltd, dated 02 May 2024;
Gas Risk, prepared by Hexa, ref. 700174-HEX-00-XX-RP-GE-2001;
External Lighting Assessment, prepared by BAM Construction Ltd, ref. SRP1150-BMD-ZZ-XX-T-E-6878;
Noise Impact Assessment, prepared by SRL, dated 09 February 2024;
Drainage Strategy and Flood Risk Assessment, prepared by Jasper Kerr Consulting Engineers Ltd;
Drainage Key Plan (ref. SRP1150-JKC-XX-XX-D-C-0001 Rev P04), prepared by Jasper Kerr;
Drainage Sheet 1 (ref. SRP1150-JKC-XX-XX-D-C-0002 Rev P04), prepared by Jasper Kerr;
Drainage Sheet 2 (ref. SRP1150-JKC-XX-XX-D-C-0003 Rev P04), prepared by Jasper Kerr;
Drainage Sheet 3 (ref. SRP1150-JKC-XX-XX-D-C-0004 Rev P04), prepared by Jasper Kerr;
Drainage Calculations, prepared by Jasper Kerr, dated 08 April 2024
Transport Statement, prepared by SAJ, ref. JN2825-Rep-0003.1;
Travel Plan, prepared by SAJ, ref. JN2825-Rep-0001.3;
Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report ref: ARB/AE/3301 dated May 2024 by Elliott Consultancy Ltd;
Sustainability Statement, prepared by BAM Construction Ltd, ref. SRP1150-BMD-ZZ-ZZ-T-M-6884;
Ventilation, Noise and Odour Statement, prepared by BAM Construction Ltd, ref. SRP1150-BMD-ZZ-ZZ-T-M-6883.

St Leonard's Catholic School : Exterior Building Materials Schedule, ref. SRP1150-RYD-XX-XX-L-A-1900-S5-P01

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policies 2, 21, 22, 25, 26, 28, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44, 45 of the County Durham Plan, Policies S1, H1, G1, T1, T2 of the Durham City

Neighbourhood Plan and Parts 2, 4, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.

MATERIALS

3. The development hereby approved shall be carried out in full accordance with the list of external materials as set out within the document entitled St Leonard's Catholic School: Exterior Building Materials Schedule ref. SRP1150-RYD-XX-XX-L-A-1900-S5-P01.

Reason: In the interests of visual amenity of the surrounding area in accordance with Policy 29 of the County Durham Plan and Policy S1 of the Durham City Neighbourhood Plan and Part 12 of the NPPF.

REFURBISHMENT DETAILS / MATERIALS

4. Notwithstanding the submitted information, prior to the commencement of the refurbishment works to Springwell Hall, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- scope of proposed remedial works to the fabric of the hall following removal of the modern extensions.
- 1:20 joinery drawing of a typical window type (face-on and section).
- Details of any new materials in relation to the main roof covering of the hall.

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

Reason: In the interests of visual amenity of the surrounding area in accordance with Policies 29 and 40 of the County Durham Plan, Policies S1 and H2 of the Durham City Neighbourhood Plan and Parts 12 and 16 of the NPPF.

HIGHWAYS/EV

5. Notwithstanding the details shown on the approved plans the development shall include 6 active EV spaces, details of which shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site prior to the occupation of the development.

Reason: To promote highway safety and sustainable transport methods in accordance with Policy 21 of the County Durham Plan, and Part 9 of the National Planning Policy Framework.

CYCLE PARKING

6. Notwithstanding the details shown on the approved plans the development shall include 52 covered cycle parking spaces, details of which shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site prior to the occupation of the development.

Reason: In the interests of promoting sustainable travel in accordance with Policies 21 and 22 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

CAR PARKING

7. Within 18 months of occupation of the new school buildings, all car parking shall be laid out across the site in accordance with One Environment's drawing no. SRP1150-ONE-ZZ-ZZ-D-L-0002 P16. The car parking shall be maintained in accordance with the approved plans in perpetuity thereafter.

Reason: In the interests of promoting sustainable travel in accordance with Policies 21 and 22 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

LANDSCAPING

8. All planting, seeding or turfing and habitat creation shown on the approved landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled, or hedge removed until the

removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish, or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan, Policies S1, H2 and G1 of the Durham City Neighbourhood Plan and Parts 12 and 15 of the National Planning Policy Framework.

TREE PROTECTION

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees to be retained, are protected in accordance with the details contained within the Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report ref: ARB/AE/3301 dated May 2024 by Elliott Consultancy Ltd and in accordance with BS.5837:2010.

Prior to any construction work taking place, the ground immediately surrounding the existing trees on the site shall be protected from compaction by the use of scaffold boards over a compressible layer of bark chip. All works to prepare the ground for surfacing shall be undertaken by hand and without the use of heavy machinery.

No other operations, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no other work is to be done such as to affect any tree which is protected by these fences.

Reason: In the interests of visual amenity, in accordance with Policy 40 of the County Durham Plan, Policies S1 of the Durham City Neighbourhood Plan and Part 12 and 15 of the National Planning Policy Framework.

ECOLOGY

10. The development shall be carried out in accordance with the mitigation outlined within the BNG and Ecological Impact Assessment, prepared by Dendra (ref. BAM St. Leonard's EclA1.2 dated 17 June);

Reason: To mitigate the ecological impact of the development, in accordance with Policy 41 of the County Durham Plan, Policies S1, H2 and G1 of the Durham City Neighbourhood Plan and Part 15 of the National Planning Policy Framework.

DRAINAGE

11. Development shall be implemented in accordance with the surface water management scheme for the proposed development as detailed within the Drainage Strategy – April 2024 Rev P03 26/04/2024. The drainage scheme shall be completed and maintained thereafter in accordance with the details agreed.

Reason: To prevent pollution of the water environment in accordance with Policies 35 and 36 of the County Durham Plan, Policy S1 of the Durham City Neighbourhood Plan and Part 14 of the National Planning Policy Framework.

CMP

12. The development hereby approved, shall be carried out in full accordance with the measures and mitigations outlined within the Construction Phase Plan, prepared by BAM Construction Ltd, dated 30 May 2024.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to County Durham Plan Policy 31 and Part 12 of the NPPF.

CONSTRUCTION TRAFFIC ROUTING

13. No demolition or construction traffic, contractors, sub-contractors vehicles may transit to or from the site via The Crescent, the highway sited immediately north of the Development Site. Before construction commences, the developer submit a written scheme to agree a methodology to record of vehicles within the above definition associated with the development, including but not restricted to the use of CCTV recording at the site entrance, and the posting of signage on the approach to the street, for approval in writing by the Local Planning Authority, with the agreed scheme kept in operation for the full duration of construction works.

Reason: in the interests of highway safety and in accordance with the requirements of Policy 21 of the County Durham Plan and part 9 of the National Planning Policy Framework

HOURS OF OPERATION

14. No construction/demolition activities, including the use of plant, equipment, and deliveries, which are likely to give rise to disturbance to residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday. The best practicable means shall be used to minimise noise, vibration, light and dust nuisance or disturbance to local residents resulting from construction/demolition site operations. No burning of waste is to be carried out on the development site. It shall be considered that the best practicable means are met by compliance with all current British standards/relevant guidance.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to County Durham Plan Policy 31 and Part 12 of the NPPF.

NOISE AND PLANT EQUIPMENT

15. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.

CONTAMINATION

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

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

REFUSE MANAGEMENT

17. Prior to occupation of the development a refuse management strategy shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and operated in accordance with the agreed details.

Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31 and Part 12 of the NPPF.

OPERATIONAL ODOUR

18. The new school building shall not be occupied until details of the odour control and extraction system to be installed within any kitchens have been submitted to and approved

in writing by the Local Planning Authority. The system shall then be installed in accordance with the approved details prior to first use of the kitchen and maintained as such thereafter.

Reason: To protect residential amenity and provide a commensurate level of protection against odour in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.

LIGHTING

19. The lighting scheme for the development hereby approved shall be implemented in full accordance with the strategy outlined within the document entitled External Lighting Assessment, prepared by BAM Construction Ltd, ref. SRP1150-BMD-ZZ-XX-T-E-6878.

Reason: To protect residential amenity and provide a commensurate level of protection against light pollution in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.

OBSCURE GLAZING

20. Glazing identified as obscure glazed on the north-west and south-west elevations on drawings RYD-01-ZZ-D-A-3610-P6 and RYD-ZZ-ZZ-D-A-3612-P6 will be implemented to achieve a minimum of level 3 on the Pilkington Scale up to 1800mm high on each window, and to likewise obscure every door and side window, and remain to the same specification in perpetuity.

Reason: In the interests of residential privacy, in accordance with the requirements of Policy 31 of the Durham County Plan and part 15 of the NPPF.

COMMUNITY USE

21. The development shall not be occupied until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To ensure the community use of the new facility is secured in perpetuity, in accordance with part 8 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

PUBLIC SECTOR EQUALITY DUTY

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

In this instance, Officers have assessed all relevant factors and do not consider that there are any equality impacts identified, with in particular the safeguarding and SEND implications of the proposals given due weight in the planning assessment.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Durham City Neighbourhood Plan (2021)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- Parking and Accessibility Standards Supplementary Planning Document (2023)



Planning Services

DM/24/01173/FPA

Proposed demolition of existing school buildings and development of a replacement school building and works to the retained Springwell Hall, along with car parking, hard and soft landscaping including works to trees, replacement playing pitches, and access arrangements.

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Date 26 July 2024

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