



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/03570/OUT
Full Application Description:	Outline proposals for the construction of up to 54no. dwellings with all matters reserved except access
Name of Applicant:	East Durham College
Address:	East Durham College, Willerby Grove, Peterlee, SR8 2RN
Electoral Division:	Peterlee West
Case Officer:	George Spurgeon (Principal Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an area of 2.03ha of undeveloped land last used as a playing field at the East Durham College site in Peterlee. The playing field accommodates a full size football pitch encircled by a 400m redgra athletics track. It is understood that the playing field was last used as such at some point in February 2019, which is within 5 years of the submission of this application (November 2023). The site has been enclosed by metal mesh fencing and left in an unmaintained condition. A line of trees forms the western and southern boundaries of the site, with access currently taken from the road leading to the main College site from Burnhope Way.
2. The wider East Durham College site has 1no World Rugby Compliant 3G Pitch and three adult pitches that are available for community use, located to the north of the application site. To the south and east of the site lie residential properties at Stainton Way and Neville Road. Green space lies beyond

Burnhope Way to the west. In the wider area, Peterlee town centre lies to the east and an industrial estate to the west beyond the A19.

The Proposal

3. The application seeks outline planning permission for the erection of up to 54 dwellings (reduced from the 63 originally proposed), with details of access to be considered and scale, layout, appearance and landscaping to be considered as part of a future reserved matters application.
4. The application is supported by an indicative site layout plan which shows a new vehicular access to be created directly from Burnhope Way, requiring the removal of 16 Category B trees and the relocation of a bus stop.
5. The indicative site layout shows a SUDs basin to be positioned at the entrance, with trees along the western and southern boundaries to be retained. These details are indicative only at this stage but would be expected to come forward in the event of any subsequent reserved matters application.
6. The application is being reported to the Central and East Area Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development on a site measuring less than 4ha.

RELEVANT PLANNING HISTORY

7. There is no planning history relating to the application site itself, however there have been various applications relating to the wider college site. These include several applications for its redevelopment through the provision of the linear north west to south east sixth form building in the late 2000's, as well as application DM/23/02200/FPA for the demolition of 1no. existing garage block and erection of new technical building to house plumbing, electrical and motor vehicle training facilities including internal access, provision of drainage attenuation feature and landscaping directly to the north west of the site which is currently pending consideration.

PLANNING POLICY

National Policy

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *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.

10. *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.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.

18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

19. 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; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Sport England's Playing Fields Policy

20. Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

21. Sport England applies its playing fields policy to:
 - i. any part of a playing field, not just those areas which happen to be laid out as pitches for the time being. This is because those other parts of a playing

- field are a resource which may be needed, now or in the future, and it is important that they are afforded the same protection;
- ii. any playing field regardless of whether it is in public, private or educational ownership and regardless of the nature and level of use;
 - iii. non-playing field land where the proposed development may prejudice the use of land being used as a playing field;
 - iv. land allocated for use as a playing field or land proposed to be allocated as a playing field.
22. Exception 1 – A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
23. Exception 2 – The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
24. Exception 3 – The proposed development affects only land incapable of forming part of a playing pitch and does not:
- reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any part of a playing field and any of its playing pitches.
25. Exception 4 – The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
- of equivalent or better quality, and
 - of equivalent or greater quantity, and
 - in a suitable location, and
 - subject to equivalent or better accessibility and management arrangements.
26. Exception 5 – The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy

Local Plan Policy:

The County Durham Plan (CDP)

27. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
28. *Policy 6 (Development on Unallocated Sites)* states the 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 coalescence with neighbouring settlements; 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.
29. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
30. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
31. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
32. *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.
33. *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.

34. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
35. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
36. *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.
37. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
38. *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.
39. *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 wastewater 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.

40. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
41. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
42. *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.
43. *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.
44. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
45. Parking and Accessibility SPD (2023 Adopted Version) – Provides guidance on parking requirements and standards.

Supplementary Planning Documents

46. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.

47. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
48. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
49. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
50. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

51. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

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>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

52. *Peterlee Town Council* – No response received.
53. *Environment Agency* – No response received.
54. *Sport England* – Object to the application on the grounds that the proposed development would result in the loss of land that was used as a playing field within five years of the submission of the application, with no attempt made to comply with playing field policy. No evidence has been provided to demonstrate that the playing field is surplus to requirements and no provision of equivalent or greater value is proposed, contrary to Sport England's playing fields policy and NPPF Paragraph 104. Advise that they are confident that if the application site had not been fenced off and neglected by the applicant it would be in high demand.
55. *Highways Authority* – Accept the principle of residential development in this location but raise a number of concerns over visibility at the access to the site from Burnhope Way and the indicative layout.

56. *Lead Local Flood Authority* – Object to the application as the approach to the management of surface water runoff has not been designed to form an intrinsic part of the development layout and it has not been demonstrated that effective drainage measures and sustainable principles are adhered to with regards to water quality.

Non-Statutory Responses:

57. *Spatial Policy* – Advise that as the proposed development would result in the loss of a playing field, to comply with CDP Policy 26, NPPF Paragraph 103 and Sport England’s playing field policy the application must provide evidence which clearly demonstrates that the playing field is surplus to requirements or make an appropriate provision of equivalent or greater value in a suitable location in mitigation.
58. *Design and Conservation* – Raise concerns through the Design Review process, and request the submission of a design code to ensure the house types reflect the character of the new town.
59. *Landscape Section* – Raise concerns through the Design Review process, particularly regarding the loss of vegetation to accommodate the new vehicular access.
60. *Tree Section* – Whilst it is acknowledged that layout and landscaping are reserved matters, they advise that there should be suitable distances between proposed tree planting and the proposed access roads, and between some of the Plots and existing trees to be retained.
61. *Public Rights of Way Section* – Raise no objections.
62. *Ecology* – Advise that the proposed development would result in the loss of open mosaic habitat, a UK priority habitat used by a priority species of butterfly present on the site, resulting in significant harm to biodiversity. Advise that the proposals would result in a biodiversity net loss with insufficient mitigation. Advise that the site is located within 6km of coastal European Protected Sites and so a financial contribution of £40,856.94 is required to go towards the provision of Suitable Alternative Natural Greenspace.
63. *Environmental Health Nuisance* – Request the submission of a Construction and Environmental Management Plan.
64. *Environmental Health Air Quality* – Advise that the site is not located within an Air Quality Management Area and consider that air quality in the vicinity of the site is likely to be good. Recommend a condition to secure details of a Dust Management Plan during the construction phase.
65. *Environmental Health Contamination* – Advise a conditional approach to contaminated land.

66. *School Places Manager* – Do not request any financial contributions as the additional school age children that would be produced by the development could be accommodated within existing schools.
67. *Affordable Housing Team* – Advise that information from Durham Key Options waiting lists, discussions with additional Registered Providers within the County, and Estate Agents and Developer Sales Staff indicates that there is very high demand for affordable homes in the area.
68. *Archaeology* – Raise no objections as there has already been ground disturbance on this site.

External Consultees

69. *Police Architectural Liaison Officer* – Provide general advice on designing out crime, which would be expected to be addressed as part of a reserved matters application.
70. *NHS North East and North Cumbria Integrated Care Board* – Confirm the requirement for financial contributions of £30,429 to mitigate the impact of the development and provide additional capacity for Local GP's. Figure reduces to £26,082 accounting for the reduction in the number of dwelling from 63 to 54.
71. *Northumbrian Water Ltd* – No response received.
72. *Shotton Airfield* – No response received.

Public Responses:

73. The application has been advertised in the local press (Northern Echo), by site notice, and individual notification letters sent to neighbouring properties. 3 letters of objection, 2 letters neither objecting nor supporting the application, and 1 letter of support have been received. These are summarised below:
74. Objections relate to concerns over the dwellings to the south east corner of the site overlooking the residential properties at Stainton Way due to their elevated level, additional traffic being generated, and disruption during the construction phase.
75. Other concerns relate to the potential for overlooking of existing residential gardens, the potential for excess water to run from the site into neighbouring gardens, and questioning the maintenance arrangements for the existing tree belt between the application site and the dwellings at Stainton Way.
76. Graham Morris MP supports the application, considering that the development of the disused and fenced off sports field would repurpose a neglected area and generate revenues to enable the College to continue to deliver high quality academic and sports provision, as well as much needed housing.

77. Following the receipt of amended plans a further publicity period took place. An additional 4 letters of objection were received reiterating previous concerns.

Elected Members

78. No comments from Councillors received.

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

Applicants Statement:

79. None received prior to publication.

PLANNING CONSIDERATION AND ASSESSMENT

80. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Open Space, Locational Sustainability, Highway Safety, Residential Amenity, Design, Flooding/Drainage, Ecology, Ground Conditions, Infrastructure, Affordable Housing, Carbon Emissions, and Other Matters.

Principle of Development

81. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
82. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
83. The site is not allocated for housing by CDP Policy 4 but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 5/PE/27. The assessment concluded "*While the site is located*

within the built-up area, it is currently in use as a running track. In the absence of mitigation the site is considered to be unsuitable for housing purposes.” Consequently, the site scored a suitability rating of amber which indicates that a site is considered potentially unsuitable for housing. It should be noted that at that time the estimated yield relating to the number of dwellings that could be accommodated on the site was considered to be 50, with this application proposing up to 54 houses.

84. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. As the site is not specifically allocated for development it is necessary to assess the proposals against CDP Policy 6. This policy recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. 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 for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

- j. where appropriate, it reflects priorities for urban regeneration.
85. The County Durham Plan defines ‘the built up area’ as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
86. The site is contained within the defined settlement limit of Peterlee and so can draw some in-principle support from Policy 6. However, the proposals must also be assessed against criteria a-j of Policy 6 to comply with this policy. The key criteria in the determination of this application are considered to be a), c), d), e), f), g) and h). A detailed analysis of the impacts of the development, including against the criteria of Policy 6, is undertaken under the relevant headings below.

Open Space

Loss of Open Space

87. CDP Policy 26 only permits the loss of open space or harm to green infrastructure where the benefits of the development clearly outweigh the loss/harm and an assessment has been undertaken to demonstrate the open space is surplus to requirements. Where open spaces are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. There should also be engagement with the local community.
88. The site is not designated as open space under the Council’s Open Space Needs Assessment (OSNA), due to its private ownership. However, the OSNA does recognise that “*Private sport space makes up an important part of outdoor sports provision across the County, and forms an important part of the community facilities.*”
89. The supporting text to Policy 26 defines Green Infrastructure as the network of green and blue spaces and corridors that exist within and between cities, towns and villages. As well as public open space, it includes wildlife sites, river corridors, coastlines, mountains, moorland, woodland and agricultural land, and is integral to the health and quality of life of sustainable communities. It fulfils a number of important functions including: access, recreation and sport; agriculture; woodland and forestry; biodiversity and geodiversity; economic development through improving the image of towns and cities, making them more attractive places to live, work and invest; health and wellbeing; landscape and townscape; flood control and drainage; food production and climate change mitigation.

90. The site comprises fenced off green space previously used as an athletics track and football pitch. Whilst the application site is not currently being used as a playing field, and has not been used as such in the previous five years, the last known use of the site was as a playing field and this has not materially changed in the intervening period. Therefore, the site is considered to represent Green Infrastructure.
91. NPPF Paragraph 103 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, and sport and recreational provision is needed, which plans should then seek to accommodate.
92. Similarly to the requirements of CDP Policy 26, NPPF Paragraph 104 goes on to advise that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
93. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites that would result in the loss of open land that has recreational value.
94. The application seeks outline planning permission for residential development on the southern part of the college's playing field, currently occupied by an unmaintained adult football pitch which lies within an abandoned gravel running track. The site has been fenced off from the remainder of the playing fields to the north, however it still forms part of the same planning unit and there have been no subsequent planning approvals to change its status.
95. Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 defines a "playing field" as the whole of a site which encompasses at least one playing pitch; and a "playing pitch" as a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.

96. The LPA is satisfied that the application site still falls under the above statutory definition of a playing field.
97. The proposed development would result in the complete loss of 2.03ha of playing field which has been used to accommodate a full size football pitch and a 400m redgra athletics track. The submitted Planning Statement suggests that the playing field, which is encircled by the disused former running track, was last used at some point in February 2019, which is within 5 years of the submission of this application (November 2023). Accordingly, as the application site comprises land used as a playing field in the 5 years prior to the submission of the application and which remains undeveloped, Sport England are a statutory consultee on this application.
98. It should be noted that Sport England's Playing Field Policy states that if such land was last used as a playing field over five years ago, Sport England would still expect to be consulted, albeit as a non-statutory consultee. In such circumstances, Sport England would continue to apply its playing fields policy.
99. Sport England has established a methodology in conjunction with planning and sporting bodies to assess the adequacy of playing pitch provision in a particular area. Their policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Playing field policy is a restrictive policy based upon a presumption against any development which results in its loss (in whole or part) or prejudices its use. For proposals not to encounter an objection from Sport England, they must be shown to be in compliance with one or more of the five exceptions [to the presumption against development] set out in Sport England's playing field policy.
100. Sport England have objected to the application on the grounds that it conflicts with NPPF Paragraph 103 and their own Playing Fields Policy. The submitted Planning Statement appears to accept that the proposed development is contrary to Sport England's playing field policy and contends that there are material considerations that outweigh this conflict. These comprise the private ownership of the former playing field with no intended future use for sport pitches, and that the proposed development will help raise funds to be reinvested in educational facilities for the College.
101. However, NPPF Paragraph 104 and Sport England's playing field policy does not make any distinction to the ownership of playing field and a site is the subject of a protective policy irrespective of whether it is in public or private ownership, education or sports club use.
102. Sport England have advised that the assertion that there is no intended future use for sports pitches is based only on the applicant's view of the site's future management and does not reflect any assessment of the need for the playing pitch or running track as required by playing field policy. The existence of a range of other grass football pitches and floodlit artificial grass pitch at the

broader site have made the college's playing fields popular with community football clubs and Sport England have advised that they are confident that if the application site had not been fenced off and neglected by the applicant it would also be in high demand. The disposal of such a valuable sporting asset without suitable replacement would be in direct contradiction of long-standing national planning policies.

103. The submitted Planning Statement also puts forward that the provision of amenity green space on site, the redevelopment of a derelict site to provide high quality residential development, and the provision of street trees and a SUDs basin to provide biodiversity net gains are all benefits that weigh in favour of the scheme. However, the provision of amenity green space smaller in size and with less practical use than the playing field that would be lost does not amount to the provision of open space of an equivalent or greater value. As noted by Sport England above, the site has been fenced off and neglected by the applicant. Furthermore, whilst not a cap on housing delivery, the Council is able to demonstrate a 5 year supply of deliverable housing sites. In addition, the indicative proposed site plan shows a layout dominated by hardstanding with few street trees (many of these are positioned within private gardens where it cannot be guaranteed that they will be retained) and the proposals would result in biodiversity net losses occurring on site. As such, these do not represent benefits of the scheme, nor material planning considerations that could outweigh the conflict with playing fields policy although further consideration of this will be provided later in the report as part of the wider planning balance discussed within the conclusion.
104. Both national planning policy and Sport England's playing field policy contain a presumption against any development resulting in the loss of playing field unless it is covered by one (or more) of the exceptional circumstances. The applicant contends that exception E1 of Sport England's playing fields policy is pertinent to the application which requires that: "*A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*"
105. In this regard, the Council has a Playing Pitch Strategy (PPS) that was adopted in June 2021. The PPS divides County Durham into a series of sub-areas reflecting the way communities use playing pitches. Peterlee (and the application site) fall within the East Durham analysis area. Playing field policy exception E1 requires that an up-to-date assessment shows an excess of playing field provision in the catchment. East Durham is the 'catchment' mentioned in the exception. Therefore, that there are other playing pitches within the wider East Durham College site does not mean there is a surplus of playing pitches in the catchment area available for use by the local population.
106. This is clearly set out by Paragraph 1.23 of the PPS which concludes that, "*Where demand is being met, this does not equate to a surplus of provision, with any spare capacity instead considered as a solution to overcoming current shortfalls and accommodating existing or future demand. As such, there is a*

clear need to protect all existing playing provision until all demand is met, or there is a requirement to replace provision to an equal or better quantity and quality before it is lost.”

107. The headline findings in the PPS for the East Durham area are that currently:
- Football (grass pitches) have spare capacity for adult, youth 11v11, youth 9v9 and mini 7v7 pitches, with mini 5v5 pitches at capacity.
 - Football (3G pitches) have a shortfall of 2.
 - Cricket pitches have a shortfall of 79.
 - Rugby Union pitches a shortfall of 9.
 - Rugby League pitches a shortfall of 0.5.
 - There is an insufficient supply for community hockey.
108. The work underpinning the PPS shows that in this part of County Durham there are significant shortages of rugby union pitches both now and across the Local Plan period (a current shortfall of 9 pitches and a predicted future shortfall of 13.25 in 2035). Whilst the site currently accommodates a football pitch it could just as easily be re-marked for rugby.
109. The PPS identifies East Durham College, Peterlee, in the summary of 3G pitches assessment, as having one of the five pitches in the County that are world rugby compliant. In relation to Rugby Union pitches, the PPS summarises that: *“There is a current and future overall shortfall of senior rugby union pitches in County Durham. There is insufficient supply of junior and mini pitches across County Durham. A lack of floodlit training areas or utilisation of the World Rugby compliant 3G pitch at Durham University (Graham Sports Centre); Consett Leisure Centre and East Durham College (Peterlee Campus) means that the majority of clubs are training on match pitches which is contributing to the significant levels of overplay.”*
110. Furthermore, in the East Durham area, the PPS identifies that Horden & Peterlee RFC has the largest amount of midweek training demand on match pitches, totalling seven match equivalent sessions per week. Both grass pitches at Eden Park (Peterlee), the home venue of Horden & Peterlee RFC, are floodlit meaning that training demand is evenly distributed across the site. However, currently the grass pitches are overplayed by a combined ten match equivalent sessions per week. The PPS suggests that relocating the Club’s midweek training demand to East Durham College would reduce this overplay to three match equivalent sessions. However, even if Horden & Peterlee RFC relocated all of its midweek training demand to East Durham College (Peterlee) 3G pitch, this would not be sufficient to eradicate overplay at Eden Park (Peterlee) with 0.5 match equivalent sessions of overplay remaining.
111. In addition, the PPS makes recommendations at Paragraph 4.96 in relation to education sites providing some opportunities for community clubs that currently have shortfalls of capacity. Of those, the ones listed below are relevant to this site:

- Existing quantity of rugby union pitches to be protected (unless adequately re-provided elsewhere in accordance with Sport England's Playing Fields Policy Exception E4).
 - Use of the World Rugby Compliant 3G pitches at Durham University, East Durham College (Peterlee) and Consett Leisure Centre by County Durham based clubs, particularly for training, to be maximised to help address overplay.
112. Overall, this shows that there is a lack of provision in the East Durham area, and high current and future demand for the playing pitches which are in use at East Durham College. This means that if the field subject to this application was made available, there would be a demand for its use, and therefore the playing field cannot be deemed surplus to requirements.
113. Exception E1 of Sport England's Playing Fields Policy is therefore not met. Playing fields should not be lost to development when there is a shortage of playing pitches for a sport that uses a playing field. Overall, the PPS establishes that a clear surplus of playing pitches cannot be demonstrated across many sport types in the East Durham catchment area.
114. Therefore, in order to accord with playing fields policy the applicant would be required to replace the playing field with an equivalent or better provision in terms of quantity and quality in a suitable location. The application is not supported by any details proposing to replace the playing field. Exception E4 of Sport England's Playing Fields Policy is therefore not met.
115. The applicant subsequently responded to Sport England's objection, noting that, as well as being one of only five pitches in the County that are world rugby compliant, the existing 3G Pitch at the College remains on the FA Register as one of only four FA or FIFA Registered 3G Pitches in County Durham.
116. The applicant has advised that the 3G pitch failed its inspection in October 2023, but that the College Leadership Group have approved the expenditure to improve the 3G Pitch to enable it to receive World Rugby accreditation for another two years, at a cost of £10,000. However, beyond this two year period the resurfacing of the entire pitch will be required to maintain World Rugby accreditation. The applicant advises that the estimated cost of resurfacing the pitch to maintain FA and World Rugby Compliance is in the region of £300,000. The applicant states that the College have no committed or projected reserves at the present time to undertake this work to maintain accreditation beyond 2026. This would reduce the number of FA or FIFA affiliated 3G pitches in County Durham to three, and the number of World Rugby accredited pitches to four.
117. Subject to planning permission being granted, the applicant has proposed to enter into a Legal Agreement with the Local Planning Authority to obligate the applicant to resurface and reaccredit the existing FA and World Rugby Compliant 3G Pitch in 2026 at a cost in the region of £300,000 + vat. Once resurfaced, the Pitch is estimated to have a 20 year life span.

118. In essence, the applicant is arguing that it is necessary to dispose of part of the site's playing field in order to fund the replacement of the surface and shockpad of the site's 3G pitch (which is work recommended in the adopted County Durham Playing Pitch Strategy). They conclude that the disposal of the playing field for housing development is, as a result, justified by exception 5 of Sport England's playing field policy.
119. Exception 5 relates to development which is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.
120. Paragraph 80 of Sport England's Playing Field Policy specifically answers the question '*Can non-sporting development meet with Exception 5 where it constitutes 'enabling development', i.e. to raise capital to fund new sports facilities on another part of the site? No, as no development other than sporting provision can meet Exception 5*'. Sport England have been re-consulted on the application and have confirmed this to be the case and so Exception 5 is not met.
121. Sport England has also engaged with the Football Association to seek their views on the issue of the refurbishment of the site's 3G pitch. Through its delivery arm – the Football Foundation (FF)– it has responded to advise:
122. *'The 3G pitch was not developed with grant funding support from FF. Collection of a sinking/pitch replacement fund over time was therefore recommended best practice and is not associated to any FF grant terms and conditions. FF did fund a project for the improvement of grass pitches and changing rooms, awarded in 2002, plus some smaller awards, but none for the 3G pitch.*
123. *By virtue of the above, the need for the 3G pitch to be resurfaced was identified in the County Durham LFFP 2023 (Local Football Facilities Plan), as FF would not double fund a site for the same purpose.*
124. *FF expects the operator to run the site and the pitch in a responsible manner with a maintained view towards its long-term sustainability and the future need for the pitch to be repaired through its lifetime and eventually resurfaced. FF does not consider it good practice, or policy compliant, to propose the loss of playing field land assets to generate the funds to renew another to prevent it from falling out of use.*
125. *FF cannot see from the many documents submitted any reference to a sinking/pitch replacement fund. FF wishes to understand whether the operator has in place any form of fund, and if so how much is available within the fund. There may yet be option for FF to support a pitch resurface, as identified in principle by inclusion of the project as required within the LFFP. There would be expectation for a partnership funding contribution.'*
126. Planning permission was granted for the 3G pitch in 2007 and subsequently built in 2008. The Council's 2019 Playing Pitch Strategy records the 3G pitch

as being available for community use from 5pm to 10pm Monday to Thursday, 5pm to 9pm on Fridays, and from 9am to 5pm on weekends. The College's website confirms that a fee of between £40 to £100 would be charged depending on whether the use was to be midweek or on a weekend, and for 7-a-side or 11-a-side.

127. Therefore, whilst the College would need to recover its operating costs for the pitch, there is over 15 years of community use revenue that has been generated that should be available to help with the costs of the 3G pitch refurbishment and replacement. Even if this revenue would not cover the full cost, the Football Foundation has publicly indicated in the Local Football Facilities Plan (LFFP) that they would help fund the project, with some contribution from the College.
128. As such, Sport England considers that the applicant's argument that the disposal of the playing field is needed to fund the 3G pitch refurbishment and replacement is not robust and has maintained their objection to the application.
129. When asked whether a pitch replacement fund has been set up and maintained to prepare for the inevitable end of the lifespan of the 3G pitch, the applicant simply repeated that the College have no committed or projected reserves to maintain accreditation of the 3G pitch beyond 2026.
130. Overall, the application would result in the loss of a playing field with no assessment undertaken clearly showing that land is surplus to requirements and no provision of equivalent or greater value in a suitable location proposed. The applicants' argument that the loss of the playing field is required to fund the replacement of the 3G pitch on the wider College site is not accepted. 3G pitches have a finite lifespan and the applicant does not appear to have set aside any of the revenue generated by the community use of the 3G pitch as part of a pitch replacement fund, as recommended by the Football Foundation who have indicated they would help contribute to the funding of its replacement. Therefore, the application is contrary to CDP Policies 6 c) and 26, NPPF Paragraph 104, and Sports England Playing Fields Policy.
131. An appeal decision (APP/P4605/W/24/3342499) relating to the erection of up to 87 dwellings on part of a site which had a sports use as playing fields but which was in private ownership in Birmingham was dismissed by an Inspector in September 2024 and is relevant to the determination of this application.
132. The appeal site comprised former bowling greens, a mini football pitch, and two football pitches capable of being used for up to 11v11 football matches.
133. The Inspector considered that Sport England as a statutory consultee on the topic of playing field was relevant to the determination of the appeal and that their comments attracted great weight.
134. The appellant provided evidence to suggest that the football pitches had been disused for around the previous seven years, with reasons for this including high maintenance overheads and insufficient income, even though the rent rates were apparently set lower than other facilities in the area. However, the

Inspector considered that NPPF Paragraph 104 of the Framework does not differentiate between used or unused playing fields, or playing fields in public or private ownership.

135. The Inspector concluded that the existing site was not surplus to requirements and *“that what would be lost to the development may appear less significant because the losses were first incurred some time ago. However, what has been lost to date, and what would be permanently and irreversibly lost is many years of matches and the associated training sessions that go in between; the many years of opportunities for people local to the area to play sport, enjoy healthier lifestyles and form a community built on a shared sporting interest.”*
136. This has clear parallels to this planning application, which relates to a playing field that has been fenced off and unused as such for over five years. However, the Inspector clearly concluded that this does not necessarily justify the permanent loss of the playing field.

New Open Space Provision

137. CDP Policy 26 also outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. NPPF Paragraph 103 highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 135 requires amongst other things that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
138. The Council’s Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), and sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
139. The indicative site layout provided demonstrates that areas of green space in excess of the policy requirement of 2,000m² (incorporating wooded areas towards the site boundaries and the SUDs basin) could be provided on site. A condition could be imposed to secure an appropriate maintenance and management plan for the areas of public open space within the site.

140. In addition, there is a requirement to provide 59.4m² of non-equipped children's play space on site. The OSNA identifies that the supply of children's play space in the East Durham area meets demand, but that there is not an oversupply. There are three areas of children's play space within recommended 600m of the site entrance based on a straight line. Therefore, on site provision of children's play space should be made. However, based on the indicative layout there does not appear scope to accommodate this within the site. Therefore, if the application were to be approved, it is considered necessary to secure a financial contribution to go towards improvements to existing children's play spaces nearby to the site so that they are capable of supporting the increase in children that would be generated by the development. This would amount to £5,049.
141. The OSNA identifies a shortfall in the amount of open space falling within the parks and recreation and youth play space typologies in the East Durham area in which the application site lies. In terms of allotments, whilst there is a sufficient supply within the surrounding area there are none within the 480m recommended by the OSNA, with the closest to the application site being the Low Hills Road Allotment located approximately 1.7km away. Based on the current indicative proposed layout for 54 dwellings, it would not be feasible or desirable to provide allotments on site.
142. Overall, it is considered appropriate and necessary to secure financial contributions of £79,952.40d as part of a Section 106 agreement to provide new and/or to improve existing local public open spaces to mitigate the impacts of use by additional residents should the application be approved. This would be particularly important in this instance given that the development would result in the loss of the playing field.
143. Subject to a Section 106 agreement to secure a total of £85,001.40 towards the provision and/or enhancement of open space off site and a condition to secure management details of on site open space, the proposed development would be capable of providing a sufficient quantity and quality of public open space. The request for these contributions has been communicated to the applicant who has not raised any objections to them.

Locational Sustainability

144. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement.
145. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

146. NPPF Paragraph 96 seeks for planning decisions to aim to achieve healthy, inclusive and safe places and beautiful buildings which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.
147. NPPF Paragraph 110 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, whilst NPPF Paragraph 115 states that appropriate opportunities to promote sustainable transport modes should be taken.
148. NPPF Paragraph 117 advises that priority should first be given to pedestrian and cycle movements, both within the scheme and within neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
149. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies within the Peterlee Cluster which comprises Peterlee and Horden. Historically, Peterlee and Horden were separate settlements in their own right, however due to growth they have effectively merged and operate as part of the same town. This cluster was rated as having a settlement score of 469 (4th out of 230), reflecting the broad range of services and public transport available.
150. In terms of distances to services and amenities, the Chartered Institute of Highways and Transportation (CIHT) in their Planning for Walking (2015) document advise that "*Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres).*"
151. The closest edge of Peterlee town centre, as defined by CDP Policy 9, lies approximately 775m away from the site entrance, accessed along continuous lit roadside footpaths. A range of services and facilities are available in the town centre, including a large Asda store which is located 1.2km away from the site entrance.
152. Whilst these distances would increase when taken from the individual dwellings, the walking route from the site to the town centre is considered to be an attractive one, comprising continuous lit roadside footpaths set within areas of open space and along tree lined streets. The number and range of services and employment opportunities available within the town centre is also considered to encourage people to walk. Therefore, on the whole these amenities are located within what is considered to be a reasonable walking distance and the future residents would have a genuine option to walk to access them.

153. In terms of public transport, there are bus stops located on Burnhope Way within 400m of the site entrance, serviced by the 22 Sapphire which runs from Durham City to Sunderland at approximately hourly intervals from 6:50am to 10:30pm Monday to Saturday, 9:30am-6:30pm on Sundays; and the x22 which runs at half hourly intervals from Peterlee to Middlesbrough from 7:30am to 10:30pm Monday to Saturday (no Sunday service). The bus station within the town centre is 850m away from the site entrance.
154. Overall, the site has good access by sustainable modes of transport to relevant services and facilities, reflecting the level of service provision within Peterlee, according with CDP Policies 6 f) and 21 and Part 9 of the NPPF.

Highway Safety/Access

155. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting 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.
156. The NPPF sets out at Paragraph 115 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 116 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
157. A new vehicular access is proposed to be created from B1320 Burnhope Way which is subject to a 40mph speed limit. The Local Highways Authority have advised that the visibility splays associated with the proposed access should be a minimum of 2.4m x 120m and that it is anticipated that these can be achieved due to the wide verge. However, there is a bus stop located immediately to the right of the proposed access which is busy due to it providing access to and from the College for students and buses stopped here would create an obstruction to visibility for drivers egressing the proposed site access. Therefore, the bus stop would require relocating prior to the first occupation of any of the dwellings. This could be secured via a suitably worded condition.
158. The Local Highways Authority do not anticipate that the additional trips generated by the residents of the proposed development would have a material impact on the surrounding highway network relative to current traffic volumes.
159. Beyond the new vehicular access, the internal access road layout and geometry would be determined by the number and position of the dwellings proposed, which is indicatively shown on the submitted proposed site layout plan. The suitability of the layout is a reserved matter and not under detailed consideration at this outline stage, however the LPA needs to be confident that a satisfactory internal road layout could come forward.
160. The Local Highways Authority have advised that the private shared drives shown on the indicative site layout plan are too narrow (less than 6m wide),

preventing vehicles from being able to be reversed out of the parking bay and turned around to egress from the driveway in forward gear. Vehicles having to reverse out from a private shared drive onto the main estate road would increase the risk of collisions with other vehicles representing a highway safety concern.

161. All of the dwellings are shown on the indicative site layout plan to be served by the correct number of in-curtilage car parking spaces, subject to the four bed house types benefitting from an integral garage measuring 3m wide by 6m long internally. Alternatively, these could be replaced with three bed properties.
162. However, it is noted that only four visitor parking bays are shown in the indicative site layout plan which falls well below the 14 required. This can often prove problematic in a layout if they are not considered at the early stages of layout design. Based on the number of dwellings proposed, it is difficult to envisage how a satisfactory solution to include an additional 10 visitor parking bays could come forward.
163. CDP Policy 21 states that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking, and that on street and footway parking should be avoided where it would have an unacceptable impact on highway safety, or a severe impact on the road network. It is considered that a lack of visitor parking bays would result in visitors parking on street and obstructing the footpath, potentially leading to an increased risk of collisions between two vehicles travelling in opposite directions attempting to pass, as well as forcing pedestrians to step into the carriageway to pass, to the detriment of highway and pedestrian safety, contrary to CDP Policy 21.
164. The internal road layout shown on the indicative layout shows a particularly tight bend to the north west corner of the site, falling below the minimum radius for bends which is 30m. It is considered likely that achieving the minimum required radius will require the omission of further units. The tightness of the bend would increase the risk of collisions between two cars travelling in opposite directions at this point.
165. In addition, the road layout indicatively shown features approximately 120m of relatively straight road which would be insufficient to provide the necessary speed attenuation. Such an alignment would lead to uncertainty over priority and result in a road safety issue. There is also a long length, approximately 120m, of relatively straight road which, whilst some very slight curves are incorporated, is insufficient to provide the necessary speed attenuation. Concerns are also raised over the footpath link between two private shared drives (in between Plots 11 and 27) which would encourage the public to utilise a private surface. If a footpath link is to be provided it would need to be constructed as an adoptable path running alongside the PSDs. However, it is accepted that a reserved matters application seeking approval of the site layout would need to demonstrate that an appropriate detailed resolution with regards to the above could be made.

166. Overall, the principle of residential development in this location and the creation of the new vehicular access is acceptable from a highway safety perspective, subject to a condition to relocate the nearby bus stop.
167. However, a number of concerns are raised regarding the indicative internal road layout. Whilst it is accepted that layout is a reserved matter, the LPA needs to be confident that a satisfactory layout could come forward at reserved matters stage. It is considered likely that a scheme of a similar scale could come forward at reserved matters stage whilst satisfactorily addressing the sub-standard width of private shared drives and tight bend in the estate road. Conversely, given the extent of the under provision of visitor parking bays, it is difficult to envisage how a suitable layout could come forward whilst making the required provision. This is contrary to CDP Policy 21 and this conflict should be weighed against the application in the planning balance. This exercise is undertaken in the conclusion.

Residential Amenity

168. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
169. Parts 12 and 15 of the NPPF 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. Specifically, NPPF Paragraph 187 e) advises that planning decisions should prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
170. NPPF Paragraph 200 also advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
171. The application is supported by a Noise Impact Assessment (NIA) prepared by appropriately qualified and competent consultants who have provided a robust report following suitable methodologies.
172. The NIA demonstrates that with appropriate mitigation the development should be suitable for residential development. However, it should be noted that even with mitigation the outdoor sound levels for some properties facing Burnhope Way will be at least 2dB above BS 8233 requirements; properties closest to the

proposed new technical building to house plumbing, electrical and motor vehicle training facilities (application reference DM/23/02200/FPA which is currently pending consideration, also submitted by East Durham College) are likely to be significantly impacted upon by way of noise should the new building be operated with the shutter doors in the open position. Ensuring that the doors remain shut, with the exception of access and egress to the building, will be reliant upon management controls. In the event such controls fail, a statutory nuisance is likely to occur; this would not be the case when the doors remain closed. If application DM/23/02200/FPA is to be approved (it is currently pending consideration), it would be possible to impose a condition to secure details of management controls to safeguard the amenity of the nearby residents from unacceptably high noise levels.

173. The NIA concludes that with the roller shutter doors of the nearby College workshop building closed, the activities that take place within would have a low likelihood of adversely affecting the future occupants of the proposed dwellings.
174. The NIA considers that the development should be suitable for residential development with appropriate mitigation, in the form of a 2.4m high acoustic barrier and mechanical ventilation to the habitable rooms of several dwellings to the west of the site to mitigate against noise levels from road traffic travelling along Burnhope Way. Whilst not considered to represent a significant adverse impact warranting the refusal of the application on its own, this nevertheless weighs against the application in the planning balance. This exercise is undertaken in the conclusion.
175. In terms of to the impact of noise from the use of the adjacent sports pitches upon future residents of the proposed development, a revised version of the Noise Impact Assessment has been submitted. The NIA identifies that the sports pitches are currently used between the hours of 8:30am to 5pm Monday to Friday. However, there are no mechanisms to restrict the use of the pitches to between these hours only. The NIA concludes that the 6 closest dwellings would be adversely affected by the users of the sports pitches and goes on to recommend the installation of a 3m high acoustic fence along the northern boundary of the site to mitigate against this.
176. The NIA identifies that noise generated from the users of the pitches even with this mitigation is predicted to exceed Sports England's recommended threshold by 2dB within one rear garden, but the NIA considers that road traffic noise would be louder and to some extent mask noise generated by users of the pitches.
177. The Environmental Health Nuisance Action Team have been consulted and recommend a condition to secure details of a Construction and Environmental Management Plan.
178. Given the information provided to date, concerns are raised regarding the proximity of some Plots to the playing pitches to the north. However, it is accepted that as part of a reserved matters submission it would be up to the applicants to demonstrate that a suitable layout could come forward that would

allow the future occupants to benefit from acceptable living conditions and existing uses nearby to continue operating without unreasonable restrictions being placed upon them, in line with the requirements of CDP Policy 31 and NPPF Paragraph 200.

179. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. This standard would generally be met, but it is noted that the rear gardens of Plot 1, 23, 45, 46, 48 and 49 would be approximately 7m to 8m long accounting for existing vegetation. Given the orientation of the properties sited to the eastern, southern, and western site boundaries there is likely to be some shading of the rear garden areas from these trees, limiting their functionality and potentially leading to pressure to remove the trees in the longer term. However, it is accepted that the submitted layout is only indicative, with final details to come forward as part of a subsequent reserved matters application which would be expected to be accompanied by details addressing the above concerns.
180. In terms of separation distances, the SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. Generally, these distances would be achieved although there are some instances where there is a shortfall.
181. The SPD advises that it is not intended to apply these distances rigidly and that there may be instances where these distances can be relaxed. One such example is within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place, but such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy, amenity and outlook. The SPD goes on to advise that greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances.
182. The indicative layout would generally accord with the relevant separation distances, but it is noted that there would be the following shortfalls:
 - 17m between the front elevations of the dwellings on Plots 42 and 49
 - 18.5m between the front elevations of the dwellings on Plots 8 and 16
 - 19m between the rear elevations of the dwellings on Plots 12 and 17 (all short of the typically required 21m)
 - 11.6m between the rear elevation of the dwelling on Plots 37 and 38 and the side elevation of the dwelling on Plot 43 (short of the typically required 13m)

183. However, it is accepted that layout is a reserved matter with any such application expected to demonstrate that the future residents would benefit from sufficient levels of outlook and privacy.
184. Objections have been received raising concerns over the dwellings to the south eastern corner of the site overlooking the residential properties at Stainton Way due to their elevated level. There is a separation distance of approximately 20.5m between these Plots and 36-37 Stainton Way which is short of the typically required 21m. However, bungalows are indicated to be positioned here, which, even when taking into account their elevated position, would not be considered to have an overbearing impact upon or adversely affect the privacy of existing residents. The layout is indicative only at this stage and with final details to come forward as part of a subsequent reserved matters application.
185. Overall, concerns are raised that the occupants of the dwellings closest to the playing pitches would be adversely affected by noise from their use, and over the separation distances and rear garden lengths of several Plots. It would be up to the applicant to demonstrate that these concerns could be overcome through the provision of a detailed layout at the reserved matters stage. Whether this is considered feasible is discussed further in the conclusion.

Design

186. 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.
187. CDP Policy 40 states that proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off 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. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.
188. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

189. The site forms part of a larger provision of open space and contains mature trees. While the site is located within an area of urban character there would be a degree of visual containment provided by existing trees to the south west, south east and north east. Its development would introduce buildings, pavements, private driveways and roads to an area which comprises a playing field, partially surrounded by mature trees which are of amenity value as a group. Whilst a SUDs area is proposed at the site entrance which would provide some informal open space, the layout is dense in character, with short frontages prevalent particularly to the north of the site, and would fill an otherwise green gap between the college campus buildings and existing housing.
190. The application is supported by an Arboricultural Impact Assessment which identifies the need to remove a section of hedgerow as well as 15no. semi-mature Sycamores (category B) on the site and the removal of one healthy, semi-mature tree (category B) on Local Authority land. The development would also encroach the Root Protection Area of several other trees.
191. The Council's Arborist has advised that these trees form part of an established boundary feature adjacent to Burnhope Way and form an important part of the larger group, tying in with other semi-mature and mature trees on adjacent land to form continuous canopy cover in this locale. The removal of this many trees in a localised area would interrupt visual line of the trees and impact the visual amenity at a local level. As the application seeks approval of the access, this must be considered at this stage.
192. The site currently benefits from an existing access point which connects to East College Durham's teaching facilities. The submitted Planning Statement states that, "*upon review, it was considered that this access point is not suitable for the proposed development.*" Beyond this, no clarification regarding why utilising the existing access point serving the main college site, to allow the retention of these trees, could not be made suitable for the proposed development.
193. CDP Policy 40 states that where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. The submitted Planning Statement suggests that new hedgerow and tree planting could take place along the southern boundary of the site and within rear gardens. However, in this instance it is difficult to envisage a suitable replacement planting scheme being achievable given the extent of the tree loss and the number of dwellings proposed restricting possibilities for new planting to public areas throughout the site.
194. In addition, the Council's Arborist has raised concerns that the position of trees along the south and west boundaries of the site will cast heavy shade into several gardens for the greater portion of the day, especially during summer months, thereby severely restricting natural daylight and leading to pressure to heavily prune or remove trees and creating a source of ongoing complaints. They have raised particular concerns over Plots 1, 7, 8, 9, 37, 47, 48, 49, and 50. The Arborist advises that any proposed dwelling on the southern or western

boundary (within 10m of the trees) will likely suffer excessive negative impacts, with the pruning of trees to reduce overhanging branches not being sufficient to negate any shading effects. These trees are identified as being of Category B retention status, forming a prominent local landscape feature with high amenity and biodiversity value. Overall, the trees are considered to be worthy of protection via a Tree Preservation Order (TPO).

195. Whilst it would be physically possible to achieve up to 54 dwellings on the site, to accommodate this number would require a combination of very short frontages with dwellings positioned in close proximity to the internal road and rear gardens being overshadowed by trees along the western, southern and eastern boundaries of the site. Limited details regarding proposed planting have been provided but it is accepted that landscaping is a reserved matter.
196. Consequently, the proposed development is considered to bring about significant and adverse effects at site level, as well as moderate adverse effects on the surrounding local area due to the tree loss required to accommodate the creation of the new vehicular access.
197. NPPF Paragraph 139 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
198. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
199. As this application seeks outline application with only access to be considered the application was assessed against six key questions. At the final consideration of the application by the internal Design Review Panel, the scheme received 4 “reds”, 0 “amber” and 2 “green” scores. “Red” scores related to the following issues:
200. Concerns were raised over the principle of introducing residential development in this location due to its use as a playing field within the last five years, noting that Sport England have objected to the application.

201. In terms of connections, concerns were raised regarding the creation of the new vehicular access requiring the loss of a number of trees.
202. In terms of character, limited information in regard to built character has been provided, although it is accepted that appearance and scale are reserved matters and a condition could be imposed to secure details of a design code. Of greater concern is the substandard design of the highway which would likely require the reduction in the number of units to avoid negatively affecting the layout of the development.
203. With regards to creating well defined streets and spaces, similar concerns were raised, along with the proximity of dwellings to existing trees. The indicative proposed site plan shows a layout with few street trees, many of which are positioned within private gardens where it cannot be guaranteed that they will be retained. In addition, it is noted that the indicative layout shows an undersupply of 10 visitor parking spaces which there does not appear to be sufficient space to accommodate and would further reduce the amount of space for landscaping throughout the site.
204. Whilst it is accepted that this application is in outline, with details of layout, appearance, scale and landscaping to come forward at reserved matters stage, Officers are of the view that it would not be possible for a suitable layout comprising something numerically close to 54 dwellings to come forward that addresses the concerns raised at the Design Review.
205. "Green" scores were received in relation to the presence of facilities and services and bus stops in close proximity to the site.
206. In line with CDP Policy 29, as 4 "reds" are awarded to the scheme it is considered there are significant areas where the design and layout is not appropriate for the development proposed and that the development does not represent a good standard of design. This policy advises that if any "reds" are scored the application should be refused unless there are significant overriding reasons otherwise. In this regard, the benefits of the proposed development should be weighed against the conflict with CDP Policies 29 and 40.

Drainage

207. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 181 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 182 goes on to advise that major developments should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in

water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should, amongst other things, take account of advice from the Lead Local Flood Authority (LLFA).

208. CDP Policies 35 and 36 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. Surface water run-off must be managed at source wherever possible and disposed of in accordance with the hierarchy of preference: to an infiltration or soak away system; to a watercourse; to a surface water sewer; lastly to a combined sewer. 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.
209. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding.
210. The application is supported by a Flood Risk Assessment and Drainage Strategy. The application proposes to discharge foul water to the existing sewer network, which accords with the hierarchy of preference set out by CDP Policy 36.
211. The site is considered to be unsuitable for infiltration and there are no watercourses on or near the site. In line with the hierarchy of preference, surface water is therefore proposed to be discharged to a surface water sewer underneath Burnhope Way via permeable paved drives, eight rainwater gardens, and an attenuation basin at the entrance to the site.
212. CDP Policy 35 d) states that for major developments the management of water must be an intrinsic part of the overall development. In addition, Paragraph 7.8 of the Council's Building for Life SPD 2019 advises that, "Sustainable drainage techniques are frequently required on major schemes. Attenuation ponds need to be planned alongside the open space provision for the site to ensure a cohesive and efficient site layout."
213. The LLFA have advised that developments should be designed to include a Green and Blue Infrastructure; with SUDS features such as basins, swales, filtration strips / drains, rain gardens etc. throughout the site. Developments should provide a design incorporating sustainable drainage solutions together with green space areas to provide a surface water management train to treat water as close as to where it falls and transmit it through the site, mimicking the natural process of the water cycle.
214. To achieve this, developments are expected to: reduce the quantity of surface runoff by reducing the quantity of impermeable area; control the amount of runoff that is generated at the source of runoff by designing areas to collect surface water (such as permeable paving); manage runoff by dividing impermeable areas into sub-catchments such as soakaways, filter drains, and basins or swales to transport and attenuate water through the site; and to

manage surface runoff on a site wide basis typically in a retention basin or wetland area. Overall, the LLFA advise that insufficient measures to treat pollutants in surface water runoff are proposed, contrary to CDP Policy 35.

215. Criterion f) of CDP Policy 35 states that part of the development site should be set aside for surface water management, supplementing green infrastructure networks and thereby contributing to mitigation of climate change, water quality and flooding as an alternative to, or complementary to, hard engineering. In this instance, SUDs have not been designed to form an intrinsic part of the overall development. The LLFA have advised that there is lack of treatment to carriageway surface water and that the basin as shown on the engineering layout would not provide any treatment under normal dry weather flow conditions.
216. The Drainage Strategy states that filter drains and swales have been discounted due to there not being sufficient space within the layout to adequately include them in the design. However, the LLFA have advised that it is unclear why they couldn't be included. The use of treatment devices are not accepted for major residential developments on greenfield sites, and are generally only considered for small industrial or commercial developments on brownfield sites where space is limited.
217. Overall, at this stage the proposed development has not demonstrated that pollutants from surface water runoff would be sufficiently treated before leaving the site, thereby causing a pollution risk downstream. This is contrary to the requirements of CDP Policy 35 which state that new development will be required to incorporate appropriate water pollution control measures.
218. No Construction Phase Surface Water Management Plan has been submitted with the application but could be secured via a suitably worded condition if the application were to be approved. Details could also be imposed to secure details of the construction of SUDs, management and maintenance, the method of flow control, and conveyance and exceedance routes.

Ecology

219. The application site lies within 6km of a coastal European Protected site, 620m of Castle Eden Dene SSSI, and 1.35km of Edderacres Local Wildlife Site.
220. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s) will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68. Where development proposals would be likely

to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site.

221. CDP Policy 25 states that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms.
222. This development is within the 6km Durham Coast Habitats Regulation Assessment (HRA) buffer and therefore Durham County Council (as a Competent Authority) are required to undertake a screening assessment to determine whether the development will have a significant effect on the integrity of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA).
223. Durham County Council has carried out initial screening (in conjunction with Natural England) in compliance with the Habitats Regulations for all housing allocations in the County. The 6km buffer allows development to proceed from 0.4-6km away from the coastal European Protected Sites provided certain mitigation measures are taken. This can include alternative green space that meets the Natural England Suitable Alternative Natural Greenspace (SANG) guidelines or a financial contribution of either £662.00 (for sites allocated in the County Durham Plan) or £756.61 per dwelling (for non-allocated sites) towards specific Coastal Access Management Measures identified in the Durham Heritage Coast Management Plan. The provision or enhancement of suitable natural greenspace should be funded by developer contributions unless adequate onsite provision is being made.
224. The proposed development would see the erection of 54 dwellings on an unallocated site. In this instance, the proposed layout would see the provision of at least 2,000m² of natural green space within the site, however this is considered unlikely to provide an alternative of comparable quality to the coast, with new residents with dogs likely to travel to the coast for access to longer walks with greater space for dogs to run around off the lead, thereby leading to the potential for protected species to be disturbed and adversely affected. Consequently, it is considered appropriate to secure mitigation through a commuted sum to go towards the provision or enhancement of public open spaces within the locality to attract dog walkers and provide an alternative destination to the coast. This is necessary to avoid the occurrence of a significant effect on coastal European Protected sites. As the dwellings are proposed to be erected on an unallocated site, the required financial contribution for this development would be £40,856.94 and would need to be secured through a Section 106 Agreement. Subject to this, the proposed development is considered to accord with CDP Policy 42, The Habitats Regulations, and the Council's HRA Developer Guidance and Requirements.

225. The request for these contributions has been communicated to the applicant who has not raised any objections to them. Failure to sign up to an appropriate legal agreement to secure these financial contributions would result in the proposed development adversely affecting the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA), which would directly conflict with CDP Policy 42.
226. NPPF Paragraph 193 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks 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.
227. The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Net Gain Assessment Report. Trees within the site were surveyed and no potential bat roosts identified, with the risk to bats considered to be negligible.
228. The County Ecologist reviewed the submitted information and advised that a small population of Dingy Skipper butterfly were identified. The species list for the ruderal/ephemeral habitat details birds-foot trefoil as being present, which is the larval food plant of the Dingy Skipper butterfly (a UK BAP Priority Species). Therefore, a further survey was carried out at the request of the County Ecologist.
229. The additional survey identifies that approximately 0.2ha of Open Mosaic Habitat would be lost to facilitate the proposed development and recommends that alternative provision for Dingy Skipper's be made on land outside the application site but within the ownership of the applicant. The EclA advises that this land extends to an area of approximately 0.1ha.
230. The County Ecologist has advised that Open Mosaic Habitat (OMH) is a UK Biodiversity Action Plan Priority Habitat, and as such is of high ecological importance. Therefore, its loss should be compensated for with like for like habitat creation.
231. The creation of OMH is proposed to be achieved by utilising the limestone substrate from the existing running track. The OMH is proposed to be created on the strip of sloping grassed in between the main College building and the highway. The County Ecologist has advised that the unmanaged and unkempt nature of OMH does not lend itself to such a prominent amenity space, with it typically thriving on nutrient poor substrates with bare areas and both tall and short vegetation. If created in this location, as the OMH were to develop over time it would be likely to be managed more for amenity aesthetic value than its value for invertebrates and ultimately prove to be ineffective mitigation for the loss of the existing habitat for a UK Biodiversity Action Plan Priority Species.

Biodiversity Net Gain

232. From the 12th of February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from the 28th of November 2023 and so is not legally required to deliver biodiversity net gains of at least 10%.
233. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 187 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 193 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
234. The submitted Biodiversity Net Gain Report concludes that the development will result in a loss of biodiversity to the value of 2.21 habitat units (-31.01%) and a net gain of hedgerow units of 78.7%. A net gain is required in both habitat categories to be policy compliant. It is noted that whilst the indicative layout has been amended, no revised biodiversity net gain metric has been provided to reflect these changes.
235. The County Ecologist has advised that enhancements recommended by the EclA relating to the installation of two bat boxes and six bird boxes mounted on retained trees is considered insufficient for a development of this size. Whilst the site layout is indicative at this stage, from the information submitted with the application it is considered unlikely that biodiversity net gains could be achieved on site.
236. The submission makes reference to the potential to enhance areas of amenity grassland within the wider East Durham College campus as well as planting on other land within the County and the applicant's ownership. The applicant suggests that a condition could be imposed to secure further details regarding how the scheme would deliver biodiversity net gains. However, without sufficiently precise details of land within the applicant's ownership, it is unclear whether the identified losses on the application site could be satisfactorily offset whilst meeting the trading rules. Therefore, it is not considered appropriate to impose a condition in this regard in the event that the application were to be approved. Whilst final details of habitats to be created and management and monitoring could be secured via a suitably worded condition, the LPA first requires sufficient detail to demonstrate that it would be possible for the scheme to achieve biodiversity net gains.
237. Of particular concerns is the loss of OMH, which is classified as a 'high distinctiveness' habitat. In order to meet the "trading rules" under the BNG metric, high distinctiveness area habitats (such as OMH) must be compensated

for on a “like for like” basis, meaning they are replaced with “habitat units of the same habitat type” up to the point of “no net loss” on the site.

238. As discussed above, the County Ecologist has advised that from the information available it would not be possible to replicate the area of OMH to be lost within the application site or on an alternative off site location. There is a scarcity of sites that could deliver off-site mitigation leading to biodiversity credits as a result of the unusual conditions that lead to the formation of OMH and so it is unclear whether there are any credits available and whether the applicant would be prepared, or whether it would be viable for them, to meet the financial cost to purchase them.

Summary

239. NPPF Paragraph 192 b) advises that planning decisions should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
240. NPPF Paragraph 193 a) advises that when determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
241. In line with this, CDP Policy 41 states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
242. In addition, CDP Policy 43 states that in relation to protected species and their habitats, all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand.
243. The proposed development would cause significant biodiversity harm through the loss of Open Mosaic Habitat. A priority species of butterfly (Dingy Skipper) has been identified as being present on site. No information has been presented to suggest that this could be appropriately mitigated or (as a last resort) compensated for. Consequently, the proposed development would cause significant harm to biodiversity and to have an adverse impact on the Dingy Skipper population. No information has been provided to demonstrate that it would be possible to overcome this harm, or to achieve a biodiversity net gain.

Ground Conditions

244. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 196 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
245. The application is supported by a Phase 1 Geo-Environmental Desk Study and Coal Mining Risk Assessment which has been reviewed by the Council's Contaminated Land Officer. They have indicated their satisfaction with the findings of the report and the conclusions drawn. The Phase 1 report recommends that further site investigation is required and so a condition to secure this is recommended.
246. Subject to such a condition, the proposed development is not expected to adversely affect the stability of surrounding land, according with to CDP Policy 32 and NPPF Paragraphs 196.

Infrastructure

Education

247. NPPF Paragraph 98 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 100 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In addition, Paragraphs 56-58 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services, including the provision of education and health facilities, where a deficit would result or be exacerbated by the proposed development.
248. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools

Health Care

249. The closest GP practices to the site are the William Brown Medical Centre and Peterlee Health Centres both 2.7km and away from the entrance to the site. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Durham Coast Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £26,082 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide

additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

Summary

250. Overall, subject to a Section 106 agreement to secure financial contributions of £26,082 to go towards the provision of additional GP surgery capacity, the proposed development accords with CDP Policy 25 and Part 8 of the NPPF.

Affordable, Adaptable, and Accessible Housing

251. NPPF Paragraph 66 sets out that planning policies and decision should require major residential development to provide a mix of affordable housing that meets identified local needs, across Social Rent, and other affordable housing for rent, and affordable home ownership tenures.
252. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a low viability area, this development would require a total of 6no. affordable units for home ownership. In this regard, the Council's Affordable Housing Team have advised that there is a high demand for two and three bed affordable homes and bungalows, for home ownership and rent. The submitted Planning Statement recognises the requirement for the scheme to provide 10% affordable housing.
253. Therefore, subject to a Section 106 agreement, the application accords with CDP Policy 15 and NPPF Paragraph 65.
254. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Standard M4(2) (accessible and adaptable dwellings) standard. This equates to 35 dwellings in this instance. A condition could be imposed to secure details of a verification report to ensure that at least 66% of the dwellings are built to the M4(2) standard.
255. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. This equates to 5no. units in this instance. It should be noted that only 3 bungalows appear to be shown on the revised layout. However, as the application is in outline, details demonstrating compliance with this part of the policy could be secured via a suitably worded condition.

Carbon Emissions

256. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing

renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.

257. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
258. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
259. In addition, NPPF Paragraph 167 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
260. In the submitted Planning Statement the applicant confirms that air source heat pumps and solar panels would be installed to the dwellings.
261. Since the adoption of the CDP, the Building Regulations have been updated and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations. There have also been changes to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as this is covered under separate legislation there is no need for a condition to reflect this. However, a condition could be imposed to secure further details regarding the specification and location of the air source heat pumps and solar panels in relation to criterion c) of this policy.
262. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Other Matters

263. The EHO raises no concerns regarding the impact of the proposed development on air quality, subject to a condition to secure details of a Construction and Environmental Management Plan, to include a Dust Management Plan.
264. Layout is a reserved matter and so any future application would need to demonstrate that the relevant separation distances and garden lengths could be achieved, and parking standards met.

265. CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The Planning Statement confirms the house types will be designed to comply with the NDSS and a condition could be imposed to secure this.
266. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, but it is considered that these details could be secured via a suitably worded condition in this instance.
267. CDP Policy 28 (Safeguarded Areas) states that within the defined Fishburn Airfield, and the Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas (including parachute landing areas), proposals for development which could adversely impact upon the operation or lead to the closure of these facilities will be carefully considered and will not be permitted where they would prejudice the safety of air traffic and air traffic services or have an unacceptable adverse impact upon the operation of the Peterlee Drop Zone unless the benefits of the proposed development clearly outweigh the resulting harm. The site lies within Shotton Airfield and Peterlee Drop Zone Safeguarding buffer. Shotton Airfield have been consulted on the application and have not provided any comments. Given the nature of the proposals, they are not considered to adversely affect the drop zone or air traffic.
268. A representation has been received questioning the maintenance arrangements for the existing tree belt between the application site and the dwellings at Stainton Way. These trees lie within the application site and a condition could be imposed to secure details of the management of areas of public open space within the site.
269. Concerns raised by residents regarding the loss of a view over the playing field, property values, and potential boundary disputes with future residents of the proposed dwellings, are not material considerations.

CONCLUSION

270. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

271. In this instance, it is concluded that the application site occupies a position within the settlement of Peterlee in close proximity to a range of services and facilities available in the nearby town centre. The proposed development is considered to be acceptable in terms of Locational Sustainability, Ground Conditions, Infrastructure, Affordable Accessible and Adaptable Homes, Carbon Emissions, and Other Matters, and in accordance with Policies 15, 19, 25, 32 and 36 of the CDP, and Part 5 of the NPPF in this respect.
272. The proposed development would result in the complete loss of 2.03ha of playing field which has been used to accommodate a full size football pitch and a 400m redgra athletics track. No assessment has been undertaken to clearly show that land is surplus to requirements, with the Council's Playing Pitch Strategy establishing that a clear surplus of playing fields cannot be demonstrated across many sport types in the East Durham catchment area. No provision of equivalent or greater value in a suitable location is proposed and Sport England have objected to the application as a statutory consultee. Therefore, the application is contrary to CDP Policy 26, NPPF Paragraph 104, and Sports England Playing Fields Policy. The loss of land with recreational value with no adequate mitigation or compensation is also contrary to CDP Policy 6 c).
273. The applicants' argument that the development of the playing field for housing is required to fund the replacement of the 3G pitch on the wider College site is not accepted. 3G pitches have a finite lifespan and the applicant does not appear to have set aside any of the revenue generated by the community use of the 3G pitch as part of a pitch replacement fund, as recommended by the Football Foundation who have indicated they would help contribute to the funding of its replacement. In addition, it is unclear what alternative options to developing the playing field have been explored to raise funds to invest in the replacement of the 3G pitch at the wider College site.
274. It is acknowledged that the proposed development would provide benefits in the form of raising revenue to invest in the replacement of the 3G pitch to allow it to maintain its accreditation for FA affiliated football World Rugby Compliancy. However, this is considered insufficient to outweigh the loss of the application site as a playing field in the context of a shortfall of playing fields in the East Durham catchment area. It has also not been demonstrated that there are no feasible alternative means of achieving the replacement 3G pitch without requiring the development of housing on a playing field.
275. Whilst the principle of residential development in this location and the creation of the new vehicular access is acceptable from a highway safety perspective, subject to a condition to relocate the nearby bus stop, concerns are raised regarding aspects of the indicative internal road layout, including the sub-standard width of private shared drives and the tight bend in the estate road. Of greatest concern relates to the under provision of visitor parking bays. Given the extent of this under provision (a shortfall of 10 bays), it is difficult to envisage how a suitable layout for something numerically close to 54 dwellings could come forward whilst making the required provision and delivering a layout of a design quality to comply with CDP Policy 29 and the BfL SPD. Failure to provide

the visitor parking spaces would be contrary to CDP Policy 21 and the Council's Parking and Accessibility SPD 2023.

276. The submitted Noise Impact Assessment concludes that the development should be suitable for residential development with appropriate mitigation, in the form of a 3m high acoustic barrier and mechanical ventilation to the habitable rooms of several of the dwellings to the west of the site to mitigate against noise levels. However, the occupants of these properties would be unable to open their windows without suffering from unacceptable noise levels generated from road traffic. Noise levels from users of the adjacent playing pitch audible within the rear garden of at least one northern Plot would exceed Sport England's recommended threshold.
277. In addition, based on the indicative layout, the rear garden lengths of Plot 1, 23, 45, 46, 48 and 49 would be substandard; there are five instances where the relationship between dwellings would comprise substandard separation distances resulting in a loss of privacy for the occupants; and the occupants of Plots 1, 7, 8, 9, 37, 47, 48, 49, and 50 would suffer from overshadowing from existing boundary trees, which themselves are worth of TPO status. It is difficult to envisage how a suitable layout for something numerically close to 54 dwellings could come forward whilst meeting the required standards to comply with CDP Policy 31 and the Residential Amenity SPD, as well as CDP Policy 29 and the BfL SPD.
278. It is concluded that the proposed development does not achieve high quality design, achieving 4 "reds" during the Design Review process when assessed against the Building for Life Standards, contrary to the aims of CDP Policy 29.
279. Whilst it would be physically possible to achieve up to 54 dwellings on the site and layout is a reserved matter, to accommodate this number of dwellings whilst addressing the above concerns in order to be policy compliant would require a combination of very short frontages with dwellings positioned in close proximity to the internal road and the provision of parking at the front of properties. As a result, there is little opportunity for planting to enable hardstanding and parked cars to be sensitively integrated into the built form whilst providing sufficient visitor parking. Officers are not satisfied that an appropriate layout for something numerically close to 54 dwellings could come forward whilst addressing these concerns.
280. The creation of the vehicular access, for which detailed consent is sought, would require the removal of 16 Category B trees which is considered to have moderate adverse effects on the surrounding local area, contrary to the aims of CDP Policy 40. CDP Policies 29 and 40 are only permissible towards development that conflicts with its requirements where the benefits of the development would outweigh the harm, which is not considered to exist in this case.
281. The scheme does not propose sufficient treatment measures to manage pollutants within surface water runoff from the highway. Consequently, the proposed development would adversely affect water quality by failing to

demonstrate that pollutants from surface water runoff would be sufficiently treated before leaving the site, thereby causing a pollution risk downstream. In particular, they advise that there is a lack of treatment to carriageway surface water and the basin as shown on the engineering layout would not provide any treatment under normal dry weather flow conditions. As a result, the proposed development in its current form does not comply with CDP Policy 35 which states that new development will be required to incorporate appropriate water pollution control measures. However, it is accepted that the details provided to date are indicative only and an appropriate policy compliant scheme would be expected to come forward as part of a reserved matters application, which could be secured via condition.

282. The proposed development would cause significant biodiversity harm through the loss of Open Mosaic Habitat. A priority species of butterfly (Dingy Skipper) has been identified as being present on site. No information has been presented to suggest that this could be appropriately mitigated or (as a last resort) compensated for. Consequently, the proposed development would cause significant harm to biodiversity and to have an adverse impact on the Dingy Skipper population. No information has been provided to demonstrate that it would be possible to overcome this harm, or to achieve a biodiversity net gain. Therefore, the application is contrary to CDP Policies 41 and 43, as well as Part 15 of the NPPF.
283. In terms of the benefits of the scheme, the submitted Planning Statement describes the application as 'unused, derelict land' and puts forward that the provision of amenity green space on site, the redevelopment of a derelict site to provide high quality residential development, and the provision of street trees and a SUDs basin to provide what they suggest are biodiversity net gains and would amount to benefits that weigh in favour of the scheme.
284. However, the site has only become derelict due to the applicant enclosing and deliberately neglecting it. The use of the site remains as a playing field for which a surplus in the East Durham area has not been evidenced. The provision of amenity green space on site is a requirement of CDP Policy 26 and does not outweigh the loss of a larger playing field and its associated playing pitch. The application is not supported by details of how biodiversity net gains would be provided, with net losses occurring on site as a result of the proposed development.
285. Whilst it is acknowledged that the proposed development would provide a boost to housing supply and the efficient use of land in a sustainable location, the Council is able to demonstrate a 5 year supply of deliverable housing land and so this is not considered sufficient to outweigh the policy conflict and harm identified above. Economic benefits delivered through the construction period are considered to fall significantly short of a level capable of outweighing the extent of the harm and policy conflict identified. The intention of the applicant to reinvest some of the profits into 'educational facilities for the benefit of the College' is also considered insufficient to outweigh the harm and policy conflict identified.

286. Overall, whilst layout is a reserved matter, the LPA need to be satisfied that 54 dwellings can be accommodated on the site without harming the character and appearance of the surrounding local area. The application seeks detailed consent for the access which would require the loss of 16 Category B trees and would harm the surrounding local area. The harm caused brings the scheme into fundamental conflict with CDP Policies 29 and 40, and it is not considered that the scheme would provide benefits capable of outweighing this.
287. In addition, Officers are not satisfied that an appropriate layout for something numerically close to 54 dwellings could come forward whilst achieving an appropriate design quality of the development, and meeting the required highways and residential amenity standards.
288. It is therefore concluded that the application is unacceptable and in conflict with Policies 6 a) and c), 26, 29, 31, 35, 40, 41, and 43 of the County Durham Plan and Parts 6, 12, 14 and 15 of the National Planning Policy Framework. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

289. 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.
290. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The proposed development would result in the loss of approximately two hectares of playing field and the application is not supported by a robust and up to date assessment that clearly evidences a surplus of playing field provision in the catchment area, contrary to Exception 1 of Sport England's Playing Fields Policy. Nor does the development propose that the area of playing field to be lost will be replaced by a new area of playing field of equivalent or better quality and of equivalent or greater quantity in a suitable location, contrary to Exception 4 of Sport England's Playing Fields Policy. This conflict is also contrary to Policies 6 c) and 26 of the County Durham Plan and Paragraph 103 of the National Planning Policy Framework.
2. The proposed development for up to 54 dwellings is considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document. In the opinion of the Local Planning

Authority it would not be possible for an appropriate layout for something numerically close to 54 dwellings to come forward whilst complying with this document and other policies within and supporting the Plan. In addition, the proposed vehicular access would require the removal of prominent trees which would harm the character and appearance of the area. This is contrary to Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. The proposed development would cause significant harm to biodiversity through the loss of Open Mosaic Habitat which served a priority species of butterfly. No information has been provided to demonstrate that this could be appropriately mitigated or compensated for, or that it would be possible to achieve a biodiversity net gain. This is contrary to Policies 41 and 43 of the County Durham Plan and Paragraphs 186 d), 192 b) and 193 a) of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

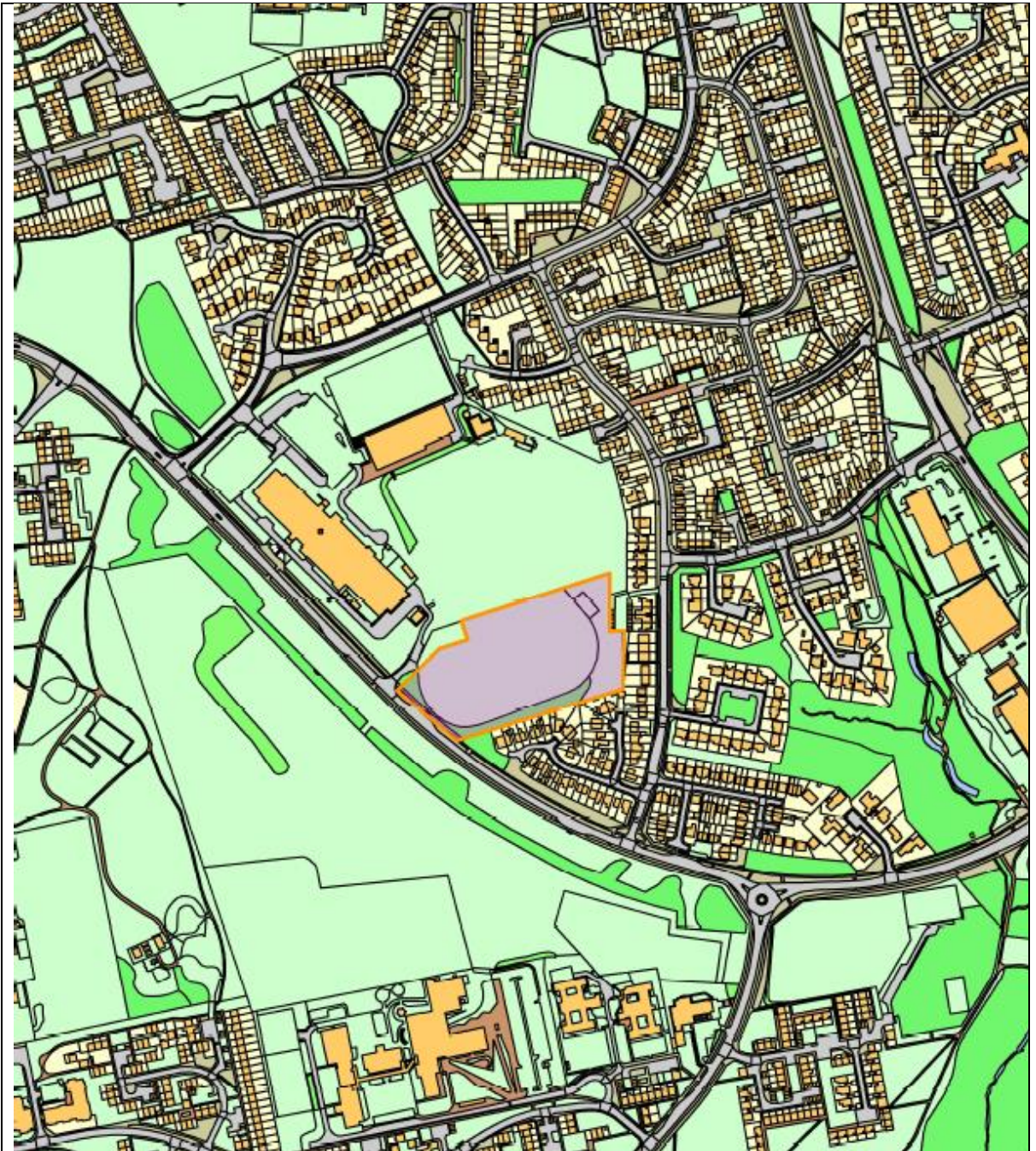
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)

- o Trees, Woodlands and Hedges SPD (2024)
- o Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- o Residential Amenity Standards SPD (2023)
- o Parking and Accessibility SPD (2023)
- o County Durham Plan Strategic Housing Land Availability Assessment (2019)
- o County Durham Building for Life SPD (2019)
- o County Durham Settlement Study (2018)
- o Durham County Council Open Space Needs Assessment (2018)

CIHT Better Planning, Better Transport, Better Places (2019)
CIRIA The SuDS Manual (2015)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Outline proposals for the construction of up to 54no. dwellings with all matters reserved except access</p>	
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	<p>Date: 17th of January 2025</p>	