



County Planning Committee

Date Tuesday 3 July 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 5 June 2018 (Pages 3 - 6)
5. Applications to be determined
 - a) DM/18/00894/FPA - Former Millburngate House, Framwellgate Waterside, Durham, DH1 5TL (Pages 7 - 42)
92-bed hotel and two commercial units for shop, professional and financial service and/or food and drink uses (Class A1-A5) with associated works.
 - b) DM/18/00341/FPA - Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor (Pages 43 - 62)
19 additional dwellings and substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
25 June 2018

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Hawley, I Jewell, C Kay, A Laing,
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,
P Taylor, M Wilkes and S Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 5 June 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors H Bennett (substitute for C Kay), I Jewell, A Laing, L Maddison, H Nicholson, G Richardson, A Shield, P Taylor and O Temple (substitute for A Simpson)

Also Present:

Councillor(s) S Hugill and H Smith

1 Apologies

Apologies for absence were received from Councillors A Bell, J Clare, K Hawley, C Kay, A Simpson, F Tinsley, M Wilkes and S Wilson.

2 Substitute Members

Councillor H Bennett and O Temple substituted for Councillors C Kay and A Simpson respectively.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 1 May 2018 were agreed as a correct record and signed by the Chairman.

5 DM/16/00107/OUT - Land To The South Of Three Ways, Hurworth Burn Road, Trimdon Village

The Committee were informed that item no. 5a) had been withdrawn prior to the meeting.

6 DM/18/00692/FPA - Land To The North Of 25 Copeland Row, Evenwood

The Committee considered a report of the Senior Planning Officer regarding the erection of a production warehouse unit and offices, new access, ancillary buildings and associated development and landscaping (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, proposed site layout, photographs of the site.

Councillor Hugill, local member for Evenwood confirmed that he had been consulted prior to the submission of the application. He confirmed that the new layout of the site would result in a reduction in noise and improve the visual impact of the site. In addition the new site entrance would ensure that site traffic would cease to queue outside of Copeland Road, minimising disruption to residents. The Applicant contributed to local sporting clubs and associations and was a major employer in the area – he was delighted they had chosen to upgrade the premises rather than locate elsewhere. The benefits of the new site far outweighed any negative impact and he was in full support of the proposed development.

Mr Linsley, local resident was concerned about the noise, especially on an evening after 11pm. He described the existing noise from forklifts sliding pallets across the floor during the night and was concerned with regards to the speed of site traffic upon shift changeover.

The Senior Planning Officer confirmed that there had two objections received from local residents which both cited noise from HGV traffic, however Environmental Health had been consulted and concluded that the proposal would result in no additional impact. There was an option to condition the operation on site, however there were no existing noise complaints and the main service yard would be located further away from the nearest residential properties on Copeland Row and be shielded by the proposed building. He was satisfied that the Applicant would address any issues should residents raise them.

Ms Ferguson, spoke on behalf of the Applicant and provided a history of the Company which had been established for more than 35 years and employed approximately 200 people. Because of the substantial growth, the current business premises were not adequate. Despite the majority customers located in the Midlands, the Applicant was loyal to the area and committed to remaining in Evenwood. The new building would incur a significant cost and no expense had been spared during the design process. The intention of the new building was not to increase production or employees, but to improve the current manufacturing process. The building was outdated and overcrowded, production was scattered and inefficient. The proposed development would alleviate a lot of the need for on site traffic as currently the manufacturing process was spread across the site in different locations, resulting in the forklift movement in between areas. The new building would house an enclosed production line and reduce the need for outdoor traffic. The existing building would provide a screen in between Copeland Road and the new building and a better design would improve the acoustics. A new access would ensure that vehicles would not have to queue on the entry road.

Councillor Maddison referred the strict adherence to the Drainage Strategy which Northumbrian Water had based its response on and also confirmed that the response of Environmental Health was based on the existing operation and cited a

number of uncertainties. She queried whether the conditions attached would provide any follow up to ensure the noise levels and operation did not increase.

Councillor Shield queried the volume of HGV's and times of use. He also referred to the recommendation of a precautionary condition which would restrict noise emitted from the site and ensure a future validation check. He queried what action would be taken following a validation check should noise be found to have increased. He noted that the new building would be a modern construction with better insulation and the new entry point would ensure a welcome reduction in traffic outside of the residential properties, but he wanted to ensure that residents were protected.

The Senior Planning Officer confirmed that there had been discussions with Environmental Health regarding the addition of a condition, however there had been no suggestion that the development would be unacceptable in the absence of one. The transfer between buildings was essential for the current operation, however the new accommodation was a large, modern, well-insulated building situated further away from residential properties than the existing building. There was a need to allow businesses to operate whilst also protecting residential amenity and on balance it was not felt appropriate to attach a condition.

With regards to drainage, the Senior Planning Officer confirmed that the Applicant had addressed concerns by the inclusion of an attenuation pond, permeable surfaces and had followed the most recent guidance to the satisfaction of Northumbrian Water and the Councils drainage team.

The Highway Development Manager confirmed the number of traffic was estimated as 20 incoming and 25 outgoing HGV's, and 10 LGV's. In addition 75 employees would arrive for a 6am start. It could be assumed that there would be approximately 5 HGV's exiting the site between 2am and 7am.

Councillor Shield moved the recommendation to approve.

Councillor Nicholson commented on the significant investment in the locality from a major employer and saw no reason to refuse the application.

Councillor Taylor considered the Applicant had consulted thoroughly throughout the application process and he considered that matters would improve following completion of the development. It was a positive proposal and therefore he seconded the recommendation to approve.

Resolved:

That the application be approved subject to the conditions as outlined in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00894/FPA
FULL APPLICATION DESCRIPTION:	92-bed hotel and two commercial units for shop, professional and financial service and/or food and drink uses (Class A1-A5) with associated works
NAME OF APPLICANT:	MGH Card LLP
ADDRESS:	Former Milburngate House, Framwelgate Waterside, Durham City
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Henry Jones, Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of the southernmost section of the wider former Milburngate House site and forms roughly one quarter of the wider site, encompassing parts of the A690 Leazes Road/Milburngate Bridge in the south and Framwelgate Peth in the west. The site is located in the north of Durham City Centre and on the western bank of the River Wear.
2. The former Milburngate House building was constructed in the 1960s and was purpose built for the Post Office Savings Bank, later known as the National Savings & Investments. Planning Permission (DM/15/01119/FPA) was granted in July 2015 for the demolition of the building including remediation and enabling works in preparation for future redevelopment on the site. These demolition and preparation works for redevelopment are now nearing completion.
3. To the north of the wider Milburngate House site is the Radisson Hotel with residential properties in Sidegate beyond whilst in the south is the former Gates Shopping Centre currently nearing completion of its redevelopment into The Riverwalk. On the opposite side of the River Wear to the east lie the Freeman's Reach office development and beyond that the Walkergate development. In the west, on the opposite side of Framwelgate Peth, are residential properties at Highgate.
4. The application site is within close proximity to a number of designated and non-designated heritage assets. Notably, the site is within the Durham (City Centre) Conservation Area and within the setting of the Durham Castle and Cathedral World

Heritage Site (WHS). The WHS is located approximately 200m from the application site at the nearest point.

5. The site contains no statutory or locally designated landscapes or ecological sites. There are no designated public rights of way within the application site.

The Proposal and Background:

6. In March 2018 planning permission (DM/16/01228/FPA) was granted in detail for the redevelopment of the site with a mixed use development comprising of leisure (use classes D1 and D2), retail (use class A1), financial and professional services (use class A2), food and drink (use class A3, A4 and A5), offices (use class B1) and 291 residential units (use class C3) together with outline planning permission with all detailed matters reserved except access for a mixed use development of office (use class B1) and a maximum of 150 residential units. The buildings and public realm forming the development would step up from the lower riverside level to the higher land towards Framwelgate Peth and would sit atop of a podium level predominantly housing three levels of parking and servicing.
7. Within the detailed planning permission that was granted, six building blocks were approved including a Block 1a building comprising, at levels 02 (effectively the ground floor above the podium) and 03, of commercial units and an energy centre with residential flats on the upper floors above.
8. The application now for consideration effectively seeks to amend the Block 1a proposals. The three levels of parking and servicing would remain beneath the Block. The Block itself is now proposed to be predominantly occupied by a 92 bedroom hotel. On level 02 the hotel reception would be located accessed from the northern side of the building. Level 02 and 03 would contain commercial unit space and flexibility in the planning permission is sought so that this accommodation could be utilised for retail (use class A1), financial and professional services (use class A2) and food and drink uses (use class A3, A4 and A5). It is quite likely though, that the commercial space would be linked to the hotel, e.g. an ancillary restaurant/bar. Above would be four storeys of hotel bedroom and ancillary hotel space with a top floor comprising of plant space. The hotel is proposed to be occupied by Premier Inn, though a grant of planning permission would be for the hotel use in general, rather than a specific operator.
9. The footprint of the revised Block 1a would essentially remain as per the existing planning permission though its roofscape and elevational appearance would differ. More detailed discussion of the design of the revised building is provided in the detailed planning consideration and assessment section of this report.
10. Public realm and landscaping to the north, east and west of the Block would again be similar to the previously approved development with generally hard surfaced pedestrian circulation space to the north and east and a feature area of softer landscape treatment to the west adjacent to the Framwelgate Peth.
11. More significant alterations are proposed to the south of the Block adjacent to the Milburngate Bridge. In order to provide a specific servicing access for the hotel a new servicing/refuse layby is proposed, accessed directly from the A690 Leazes Road/Milburngate Bridge. A servicing vehicle would approach from the traffic lights from either Framwelgate Peth or the A690 in the west and north-west and veer left into the servicing layby. The current footpath adjacent to Leazes Road/Milburngate Bridge would be realigned so as to run between the servicing layby and revised Block 1a. Like at present a pedestrian guardrail would separate pedestrians from traffic on

Leazes Road/Milburngate Bridge and the layby itself. A gate would be located within the pedestrian guardrail which can be locked when no deliveries are taking place and managed by the Block 1a occupiers. This would permit the deliveries to be taken from the layby and into the hotel. Servicing vehicles would then return to the carriageway on Leazes Road/Milburngate Bridge in the same forward direction via the layby exit point a little farther east.

12. Under this application for the revised Block 1a proposal no amends are proposed to access and parking arrangements for customers/visitors and staff. The main access to the public car park proposed under the wider redevelopment would remain off Framwelgate Waterside at the riverside level to the east of the hotel building. It should be noted that a separate pending application (DM/18/00896/VOC) proposes amendments to the approved access arrangements for the wider development and that application should be referred to for the detail.
13. The application is reported to the County Planning Committee as it constitutes a major commercial development and is of strategic importance to the wider redevelopment of the Milburngate House site that was previously considered by County Planning Committee in November 2016.

PLANNING HISTORY

14. Planning Permission DM/15/01119/FPA was granted in July 2015 for the demolition of Milburngate House including remediation and enabling works in preparation for the proposed future redevelopment on the site.
15. In March 2018 planning permission was granted for the redevelopment of the site with a mixed use development comprising of leisure (use classes D1 and D2), retail (use class A1), financial and professional services (use class A2), food and drink (use class A3, A4 and A5), offices (use class B1) and 291 residential units (use class C3) together with associated access, demolition, landscaping and infrastructure works (detailed permission) and outline planning permission with all detailed matters reserved except access for a mixed use development of office (use class B1) and a maximum of 150 residential units (use class C3) and associated landscaping and infrastructure works.
16. An application is currently pending consideration (DM/18/00896/VOC) for the variation of conditions 4 and 20 of the above redevelopment so as to permit new service yard access, car parking and servicing yard amends, additional cinema screen and amendment to Framwelgate Peth access so as to permit non-residential traffic.
17. Though not on the application site but also of some background relevance is the redevelopment of the adjacent Gates Shopping Centre to a mixed use scheme known as The Riverwalk first granted planning permission in November 2015 (DM/15/01626/FPA). The redevelopment is well advanced with some of the first units now occupied.

PLANNING POLICY

NATIONAL POLICY

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each

mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
20. *NPPF Part 1 – 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 of a low carbon future.
21. *NPPF Part 2 – Ensuring the Vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
22. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
23. *NPPF Part 7 – Requiring Good Design.* 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
24. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
25. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
26. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

27. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

28. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; conserving and enhancing the historic environment; design; ensuring the vitality of town centres; environmental impact assessment; flood risk; health and well-being; land stability; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

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

29. *Policy E3 – World Heritage Site Protection.* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
30. *Policy E6 – Durham City Centre Conservation Area.* States that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
31. *Policy E10 – Areas of Landscape Value.* States that development which would have an unacceptable adverse impact upon areas of high landscape value will be resisted.
32. *Policy E14 – Existing Trees and Hedgerows.* Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
33. *Policy E15 – New Trees and Hedgerows.* States that the Council will encourage tree and hedgerow planting in major development sites.
34. *Policy E16 – Nature Conservation – The Natural Environment.* This policy is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation

interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

35. *Policy E21 – The Historic Environment.* This requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
36. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
37. *Policy E23 – Listed Buildings.* This policy seeks to safeguard Listed Buildings and their settings from unsympathetic development.
38. *Policy E24 – Ancient Monuments and Archaeological Remains.* This policy sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
39. *Policy H13 – Residential Areas – Impact upon Character and Amenity –* protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
40. *Policy T1 – Transport – General.* This policy states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
41. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
42. *Policy T19 – Cycling – Development of Cycle Routes.* The Council will seek to ensure the development of a safe, attractive and convenient network of cycle routes.
43. *Policy T20 – Cycling – Provision of Cycle Parking.* Sets out a requirement to encourage the provision of facilities for parking cycles in the city centre and at other appropriate locations.
44. *Policy T21 – Walkers Needs.* States that existing footpaths and public rights of way should be protected.
45. *Policy S1 – City Centre Shopping Area.* Advises that in principle new A1 shopping development will be approved within the city centre shopping area.
46. *Policy S1a – Retail Hierarchy.* Seeks to protect and promote the vitality and viability of Durham City Centre
47. *Policy S2a – A2 and A3 Uses in the Primary Retail Area.* Seeks to limit the proportion of non-A1 Retail Uses to safeguard the retail character of the primary retail area.

48. *Policy S2b – A2 and A3 Uses in the Secondary Retail Area.* Seeks to limit the proportion of non-A1 Retail Uses to safeguard the retail character of the secondary retail area.
49. *Policy S3 – Elvet Bridge.* Seeks to limit the proportion of non-A1 Retail Uses to safeguard the retail character of the secondary retail area.
50. *Policy S10 – Food and Drink.* Advises that planning permission for food and drink uses will be permitted provided that there are no adverse impacts upon nearby occupiers, there is no harm to the character and appearance of the area, no objection to parking provision and the development does not compromise the proportion of uses within the primary and secondary retail areas of the City.
51. *Policy V6 – Visitor Accommodation within Settlement Boundaries.* Advises that new and extensions to existing visitor accommodation within settlement boundaries will be permitted provided that they are acceptable in scale and character and comply with other policies in the plan.
52. *Policy CC1 – Vitality and Viability.* Seeks to protect and enhance the vitality and viability of the City Centre (reference is made to mixed uses, active street frontages, use of upper floors, residential occupation, environmental improvement and a safe, accessible and friendly public realm).
53. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
54. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
55. *Policy Q4 - Pedestrian Areas.* Requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
56. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
57. *Policy Q6 – Landscaping – Structural Landscaping.* Requires all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
58. *Policy Q7 – Layout and Design – Industrial and Business Development.* Requires the siting, design and external appearance of all new industrial and business development to; be of a standard appropriate to the designated area within which it is located; and have regard to policies Q1 and Q2.
59. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

60. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
61. *Policy U7 – Pollution Prevention – Development Sensitive to Pollution.* Developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
62. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
63. *Policy U9 – Watercourses.* States that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.
64. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless it can be demonstrated that alternative less vulnerable areas are unavailable, that no unacceptable risk would result, that no unacceptable risk would result elsewhere, or that appropriate mitigation measures can be secured.
65. *Policy U11 - Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
66. *Policy U13 – Development on Unstable Land.* Advises that development on unstable land will only be permitted where there is no risk resulting from that instability or where the instability can be remediated.
67. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

EMERGING PLAN:

The County Durham Plan

68. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

69. The pre submission draft of the Durham City Neighbourhood Plan was recently the subject of the first formal public consultation which closed on 18th December 2017. The Durham City Neighbourhood Forum is currently considering the representations received and these should inform the finalisation of the plan for submission to the council for further public consultation and progression to independent examination.
70. This council has made representations on the pre submission version of the plan and the associated Strategic Environmental Assessment which raises a number of significant issues which will need to be resolved in order that the plan meets the prescribed Basic Conditions. In light of this, and given the stage of preparation, it has not yet reached a point where weight can be afforded to it.

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

<http://www.durham.gov.uk/ldf> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

71. *Highway Authority* – Raise no objections. Although concerns were expressed initially in regards to the design and management of the proposed service layby, the Highway Authority are now satisfied, following the submission of amended proposals, that the service layby can be safely implemented, subject to a management plan for its use being agreed by planning condition.
72. *Historic England* – Raise no objections. Whilst the standardised layout of a hotel means that the Block 1a could appear somewhat more monolithic than the sloping roof pitches of the proposed neighbouring blocks this is recognised in the design proposed which utilises stepped and recessed elements and variety in tone and materiality. Final material choices and build quality will be important. Overall, and subject to final material choices, the proposals are considered acceptable from a design and heritage perspective, compliant with key elements of the NPPF including paragraph 137 which encourages LPAs to support proposals which preserve or make a positive contribution to Conservation Areas and World Heritage Sites.
73. *Coal Authority* – Raise no objections, subject to a condition requiring an intrusive investigation and as necessary remedial works.
74. *Environment Agency* – Raise no objections, subject to condition so as to ensure that the compensatory flood storage, provision of a safe evacuation route and adherence to finished floor levels contained within the submitted Flood Risk Assessment are met.
75. *Drainage and Coastal Protection* – Raise no objections; the proposed change to a hotel would not affect the surface water disposal approaches to the site and development.

INTERNAL CONSULTEE RESPONSES:

76. *Spatial Policy* – Raise no objections. Based upon the most up to date evidence base contained within the Retail and Town Centre Study (2018 update) the application site falls within a part of Durham City which functions as the City Centre and on this basis no objections are raised to the proposed hotel.

77. *Visit County Durham* – Raise no objections and lend support to the proposal. The proposed occupier (Premier Inn) has invested heavily in Durham City already with one city centre hotel and two more on the outskirts. They are a successful national brand. The decision to build another hotel will be based upon evidence and local and national hotel trends. The development is consistent with several key priorities within the Durham Tourism Management Plan 2016-2020. Emphasis is placed on the importance of overnight visitors to the City. Visit County Durham highlight that only 10% of visitors to Durham City stay overnight yet they account for 48% of expenditure. Reference is made to the potential for Durham's economy to grow due to strategic sites coming forward which in turn will create hotel demand.
78. *Employability Team* – Raise no objections. Targeted recruitment and training clauses are requested via condition or within a S106 legal agreement.
79. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections, subject to the imposition of a condition ensuring the necessary site remediation measures are undertaken together with the submission of a validation report.
80. *Environment, Health and Consumer Protection (Noise, Light, Odour and Dust)* – Raise no objections, subject to conditions relating to the agreement of a construction management plan, final lighting scheme, and to control noise emissions from plant/machinery associated with the development.
81. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. The proposed change from a residential block to that a hotel is insignificant in air quality terms and the end user would actually be less sensitive to air quality issues. However, mitigation measures in the form of particular ventilation requirements would still apply to the hotel use as they did to the approved residential use.
82. *Ecology* – Raise no objections. The final lighting scheme must ensure that light levels are controlled so as to not cause a detrimental impact upon the river corridor.
83. *Landscape* – Raise no objections. The advice of Design and Conservation should be referred to regarding the impacts of the revised Block 1a building itself in townscape terms. The provision of the service layby would result in a harder and more two dimensional interface between the road and building. Any signage required would add further visual clutter. Therefore, the public realm south of the building would be somewhat less attractive than the previous proposal, though any scheme would likely be dominated to some degree by hard surfacing and pedestrian control barriers. It is advised that greater primacy to the main footpath should be provided where it runs past the Block via material choices/design detailing. A pedestrian entrance off Framwelgate Peth to the west of the Block would remain, albeit modified and slightly narrowed, however, it would remain an inviting area, articulated with soft planting.
84. *Design and Conservation* – Raise no overall objections. The revised proposals would still preserve the character and appearance of the Durham City Centre Conservation Area with no harm identified to other heritage assets including the WHS. It is stated, however, that due to the change in the occupation to a more modular building there would a resultant loss to the articulation of the roofscape and in turn the eaves height of the building would read higher than the previously approved block. The Block would benefit from a reduction in height and is less well considered in respect of resulting in a homogenous approach to the redevelopment of the wider site.

85. *Access and Rights of Way* – Raise no objections. No public rights of way would be affected by the proposals.
86. *Business Durham* – Raise no objections. The proposed hotel would be a welcomed addition to tourist facilities within Durham City. It is advised that the proposed hotelier should consult with Business Durham, Visit County Durham and the County Durham Food Hub to the explore the potential for securing linkages with local food and drink manufacturers in respects to their produce and local colleges for employment opportunities.
87. *Archaeology* – Raise no objections or detailed comments.
88. *Sustainable Travel* – Raise no objections. The submitted travel plan is considered to meet the required standards. It is emphasized that the design/layout must include good direct and safe walking routes between the site and Milburngate bus stops factoring in the significant level differences within the site. It I also emphasized that care must be given to the final design of the shared use path alongside Framwelgate Peth with its width maximised as far as practicable.

NON-STATUTORY RESPONSES:

89. *Durham Constabulary Architectural Liaison Officer* – Raise no overall objections though express concerns in regards to whether the proposed servicing bay can safely operate and be managed and suggest it is essential that a management plan is agreed under condition. It is also highlighted that the precise use of the commercial units is not known but should they be licensed premises there is the potential for conflict between the residential occupiers of the wider redevelopment site and late night revellers.
90. *Northumbrian Water* – Raise no objections subject to the condition that foul waters are disposed to the existing combined sewer as detailed within the submitted drainage strategy.

PUBLIC RESPONSES:

91. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents and occupiers. A total of 7 letters of representation have been received, of which 5 letters object to the development, 1 is a request the application be heard at committee and, 1 raises concerns. Comments are summarised below.

Principle of the Development

- Objection to the loss of residential units in favour of the hotel. Part of the viability of the originally approved development was dependent upon the introduction of more (permanently occupied) residential units into the depleted City Centre market
- The need for another hotel is questioned
- Residentially occupied units at the site would be locationally sustainable – with residents able to walk to work, access public transport etc
- Durham is seeing shops close whilst the night time economy offer grows but at the expense of other services. Reference is made to the recent Durham City death as a result of the night time economy
- Independent shops cannot compete with the chains occupying the City and such chains do not have the vested interest in/care for the City which the independent businesses do

Highways Issues

- The proposed servicing layby is a safety hazard and will cause traffic congestion particularly as deliveries will be made during busy periods
- Queries are raised with regards to what restrictions will be made on the use of the servicing bay and what will prevent its use as a drop off by the general public or by taxis
- The servicing bay will require the re-routing of general public pedestrian routes for the minority usage purposes of the hotel servicing requirements
- There is no reason why servicing access cannot be provided via Framwelgate Waterside as originally proposed

Design and Heritage

- The design of the hotel is unacceptable, harmful to the WHS and would fail to integrate into the Durham City townscape
- The WHS and Durham City are the economic and tourist driver in the County yet the views of the WHS and historic City Centre are being eroded and this proposal would contribute to this
- Within the originally approved development the corner of Milburngate Bridge and Framwelgate Peth was designed as a main pedestrian entrance into the development which this proposal would erode

Other

- Request made that Members of the Planning Committee undertake a site visit

92. *Cllr David Freeman* – Requests that the application be heard at planning committee due to the proposal representing a change to a major redevelopment proposal with potential impacts upon neighbouring residents.
93. *World Heritage Site Coordinator* - Raise no objections overall, though some concerns are expressed. In principle, the hotel use is welcomed, being beneficial to the economy and potentially for visitors to the WHS. However, the design amendments would result in a roof design that moves away from the pitches of the originally approved roofscape, and would be more static and less successful in combination with the rest of the development. The verticality of the facades is described as being a little weaker on the key riverside view and generally the amended scheme exhibits less understanding in regards to impacts upon the WHS and townscape in key sequential views. Further comments are added that pedestrian linkages are important and the plans suggest that the link through to the new Riverwalk development is no longer proposed. Concerns are also raised about the suitability in highway safety terms of the service layby proposal.
94. *City of Durham Trust* – Raise objections. The design of the hotel is objected to and the need for its scale and mass to be reflective of the flanking elements of the Riverwalk on the opposite side of Milburngate Bridge is emphasised. Reference is made to the submitted landscape and visual appraisal which states that on some key

views adverse effects would result in townscape terms and such impacts should not be accepted. Concerns are expressed in regards to the adequacy of parking provision.

95. *Trust Pathways* – Raise objections. The proposed servicing bay off Milburngate Bridge is considered unacceptable due to its narrowing effect on the width of the footpath which would result in a substandard shared pedestrian and cycle route.
96. *Sidegate Residents Association* – Raise objections. The proposed introduction of a hotel at the expense of residential will not aid in redressing the balance of permanent rather than student residents living in the City Centre. The recent growth in hotels could potentially be at the risk of other developments which are important to the City's prosperity. Objection is raised to the detailed design of the hotel which fails to follow the approaches of the original application in terms of a cascading pitched roofscape and it is highlighted that the submitted landscape and visual appraisal states that on some key views adverse effects would result in townscape terms. Due to air pollution in the area the hotel will have to be a sealed unit whilst the vehicular traffic created will add to the existing problems. Concerns are expressed that parking provision within the wider redevelopment may be inadequate.

APPLICANTS STATEMENT:

97. The Proposed Development will comprise a 92-bed hotel with two commercial units for flexible A1-A5 use at ground floor level, at the site identifiable as Block 1a on the approved Milburngate Masterplan, that which is nearest Milburngate Bridge.
98. The Proposed Development is considered to compliment the other components of the previously consented mixed-use scheme, and will contribute to all three dimensions of sustainable development by delivering benefits within each of the social, economic and environmental areas. Socially, the scheme will contribute to the regeneration of the wider Milburngate site, providing a more attractive environment for residents and visitors. The proposed hotel will provide additional bed spaces for overnight visitors to the city and will continue to contribute to a truly mixed-use scheme which will provide employment opportunities, along with improved leisure and retail facilities for residents of the local community, enhancing consumer choice within a sustainable and accessible location. Once development is complete, this part of the river front will experience a greater level of activity. This, combined with the surrounding recent development along the river, will add to the City's attractiveness as a destination for residents, workers and visitors, boosting the community and economy.
99. Economically, the Proposed Development will assist in the delivery of £160m additional inward investment in this area as part of the wider Milburngate scheme. The Milburngate scheme will act as a catalyst for further regeneration and sustainable development opportunities for the riverside area. In terms of the hotel specifically, it provides the opportunity to boost tourism and overnight visitors to the city, an aspect which the Durham Tourism Management Plan 2016-2020 states is currently static, possibly due to a lack of new overnight accommodation. The construction of a new hotel within the city centre will increase the capacity for overnight stays within Durham, and will subsequently create the opportunity to attract more visitors to spend money within the city. There were 1.43 million overnight tourists in Durham in 2014 spending £308 million. This also provides the opportunity to support job creation, as tourism currently supports more than 10,800 full time equivalent (FTE) jobs in the county, and up to 75 jobs are associated with the hotel and commercial floorspace with 24 additional to the existing permission. There are also 80 direct and 121 indirect jobs proposed during the construction period.

100. Environmentally, the Proposed Development will improve the immediate Site environment through remediation of land which has previously been used as a former Gas Works. It will result in a 37.6% reduction in carbon emissions due to the proposed Combined Heat and Power and thermal storage, which will provide over 75% of the hotels domestic hot water and will generate electricity on site. Pedestrian connectivity and high quality public realm improvements are proposed which will enable the site to be used by the public for recreational purposes, and, given the Site's location within the City and proximity to the train station and Primary Shopping Area, sustainable modes of transport will be promoted through the proposal. There would also be no adverse effects upon the fabric or setting of designated heritage assets, and the likelihood of encountering archaeological remains within the Site is considered to be low.
101. In summary, the development of Milburngate House Hotel will deliver a significant number of social, economic and environmental benefits within the context of the approved wider Milburngate Masterplan and will subsequently compliment the neighbouring components of the consented scheme.

The above 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:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

102. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development; visual, townscape and heritage impact; highway safety/issues; residential and occupier amenity; flood risk and drainage; ecology; and viability and planning obligations.

The Principle of the Development

103. The application seeks planning permission for the revised Block 1a building which would predominantly house a C1 use class hotel together with floorspace on the lowest two storeys which could be used for shopping (use class A1), financial and professional services (use class A2) and the various food and drink uses (use classes A3, A4 and A5). The majority of these uses, save for hot-food takeaway A5 and café A3 usage, would each constitute a main town centre use as defined within the NPPF and as a result the NPPF advises that such developments should be located within town centres.
104. Under the wider redevelopment proposals with planning permission (DM/16/01228/FPA), each of the A1-A5 uses were accepted and already have planning permission, though the hotel is a new use not considered at the site before.
105. As discussed under application DM/16/01228/FPA the Council undertook a Retail and Town Centre Study in 2009 and then this was reviewed and updated again in 2013. The findings of this study were that since the adoption of the CDLP in 2004, city centre developments have expanded in the city (such as Walkergate and the Radisson hotel for example) and the functional boundary of the city centre has grown and includes the application site. The Retail and Town Centre Study has been adopted again this

year with its applicable findings the same. The application site is therefore considered part of the functioning Durham City Centre and the site is therefore considered appropriate in principle for main town centre uses such as the various A use classes and the C1 use class hotel proposed under the application.

106. CDLP Policy S1A establishes a retail hierarchy and promotes Durham City as the sequentially preferable location for such development. This policy is considered largely consistent with the content of the NPPF.
107. Policy CC1 of the CDLP seeks to protect and enhance the vitality and viability of Durham City Centre, in particular by providing a mixture of uses within that area and promotes the sequential approach to site selection and the policy is considered largely consistent with the content of the NPPF.
108. As the proposals would involve the provision of a mixture of retail and main town centre uses within a city centre location the proposals are considered to draw support from CDLP Policies CC1 and S1A.
109. The principle of the provision of food and drink uses would also be in accordance with CDLP Policy S10 which identifies that within settlement boundaries, such development will be permitted (subject to a range of criteria that covers amenity, parking and scale). This policy is only partially consistent with the NPPF as, unlike the NPPF, it does not reference the need to adopt a sequential approach to site selection for restaurants and drinking establishments.
110. CDLP Policy S1 is a city centre shopping policy and advises that in principle new A1 shopping development will be approved within the city centre shopping area though the application site is located outwith of the shopping area and the policy is not strictly applicable to the application site itself. Similarly Policies S2A, S2B and S3 each seek to control types of non-A1 retail developments in different parts of the city centre so as to not undermine the retail function of the city centre, however, again the application site is not within the bounds of these designated areas.
111. Turning to the proposed hotel itself as discussed above as the site is a city centre location the main town centre use of a hotel is acceptable in principle at the location. The proposal draws support from CDLP Policy V6 which in principle offers support to proposals for new visitor accommodation within settlement boundaries. This policy is considered only partially consistent with the NPPF as, unlike the NPPF, it does not reference the need to adopt a sequential approach to site selection for hotels.
112. The proposals would result in the redevelopment of previously developed land in a locationally sustainable site in close proximity to Durham train station, bus station and the collection of bus stops on Milburngate.
113. Public objection to the application proposals include the principle of development. Some of the objection relates to the amends to the Block 1a resulting in the loss of residential units in favour for a hotel, residential units which the submitted comments consider would help to address the considered dearth of permanent residents (as opposed to students) in Durham City Centre. The public comments also highlight that the site would be a sustainable location for residents – with clear easy access to potential places of employment and services. This would be the case, however, as outlined above the uses sought in this revised scheme are main town centre uses, uses that are expected within a city centre location and which draw support in principle from national and local planning policy guidance. It is considered that the proposed scheme could not reasonably be opposed on the basis that it was at the expense of residential use.

114. With regards to the concerns over the need for a further hotel and, that the mixture of uses proposed is at the expense of other forms of development which could contribute to the economy of Durham City Centre, again officers would firstly highlight that the mixture of hotel and A class uses are main town centre uses which are acceptable in principle. Neither the applicable CDLP policies nor the NPPF require the need for the development be demonstrated. Notwithstanding this, it is notable that the proposals have drawn strong support from both Visit County Durham and Business Durham in their consultation responses. Visit County Durham highlight that the decision to build another hotel will be based upon evidence and local and national hotel trends whilst the development is consistent with several key priorities within the Durham Tourism Management Plan 2016-2020. Emphasis is placed on the importance of overnight visitors to the City whom account for a disproportionately high amount of expenditure within the City.
115. Further public objections raise concerns that independent shops cannot compete with the chains occupying the City and such chains do not have the vested interest in/care for the City which the independent businesses do. However, in planning use class terms there is no distinction between independent commercial units or national chains. A planning permission for a hotel is simply for a hotel be that occupied by Premier Inn or an independent operator, and the same applies to any restaurant for instance which may occupy the lower floor.
116. Overall, the proposed development is considered to draw support from local and national planning policy guidance and represents the sustainable re-use of previously developed land within a city centre location close to other services and transport hubs. No objections are therefore raised to the principle of the development.

Visual, Townscape and Heritage Impact

117. The Milburngate House site is located within a very sensitive and prominent location. The potential impact upon the townscape and a range of heritage assets was a critical matter for consideration in regards to the original redevelopment proposal under application DM/16/01228/FPA.
118. The Milburngate House site is located within the Durham (City Centre) Conservation Area. Beyond the application site, a range of designated and non-designated heritage assets are within close proximity. This includes, but is not restricted to, Durham Cathedral and Castle WHS, (approximately 200m to the southeast), Church of St Godric (Grade II listed and approximately 100m to the southwest), Castle Chare Community Arts Centre (Grade II* listed and approximately 75m to the southwest) Church of St Nicholas (Grade II listed and approximately 165m to the southeast)). Concentrations of listed buildings are also located within the Market Place, including the Grade II* Town Hall and Guildhall, some 125m to the south east.
119. In assessing an application, regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning

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

120. In the assessment of the wider redevelopment proposals with planning permission it was noted that the proposed development was of a significant scale, reflective of the significant scale of the buildings previously standing on the site and the extensive scale of the site itself, exacerbated by the significant level changes around the site. The manner in which the development sought to cascade the significant level changes down to the River Wear was welcomed including the use of pitched roofs. There was some divergence in opinion between Historic England and Design and Conservation officers in respect to the precise impacts of the development upon the WHS. Historic England clearly considered the proposal an improvement to the setting of the WHS in comparison to what previously stood on the site whilst Design and Conservation officers considered that whilst in some respects the WHS would be beneficially impacted upon there was some concern raised in regards to the scale of the development and impact in some key views as a result. The conclusions overall were that the townscape and visual impacts were acceptable and most importantly the character and appearance of the Conservation Area and setting of the WHS would be preserved.
121. Some public objection and concern are raised to the development on grounds relating to the visual, townscape and heritage impacts including from the WHS Coordinator who, whilst not objecting overall, considers that the design approach of the revised block is less sympathetic than the previous.
122. The layout and modular form of a hotel building differs from that of a residential block and as a result the form and appearance of the proposed Block 1a building would differ relatively significantly from that which previously gained planning permission. Most significantly, the block would no longer be designed with sloping pitches to the roof but instead a flat roofed approach would be adopted, albeit one with a stepped approach which would help to break up mass and add variance.
123. In overall size and scale terms, the maximum height of the hotel block including the rooftop plant would be roughly equivalent to the maximum height of the previously approved block at around 61m AOD. Excluding the rooftop plant (which is more extensive in a hotel use) the hotel would actually be lower than the previous residential block. However, within the previously approved Block 1a building the maximum 61m AOD height was reached in only a relatively small section of the block with much of the building around 3m lower at 58m AOD. Whereas approximately two thirds of the hotel block would reach a height of around 60m AOD. When moving around and viewing the block from different viewpoints officers conclude the hotel would likely appear greater in scale and mass than the previous block, but not significantly so. Design and Conservation conclude that no harm to heritage assets including the WHS would occur, with the character and appearance of the Conservation Area preserved. However, the above described alterations in the design in appearance of the Block would in their view be less well considered in respect of forming a homogenous approach to the redevelopment of the whole site.
124. Historic England have not expressed concerns to the revisions to the design and form of the building. Though they highlight that there is a risk that a hotel building on the plot would appear more monolithic and standardised in appearance they consider that the particular design approach here has avoided this and successfully introduced stepped and recessed elements and tonal variety in the proposed materials palette. As a result the proposal would, albeit in a differing manner to the previously approved Block, achieve a varied appearance. Historic England raise no objections as a result, express no concern that detrimental impacts upon any designated heritage assets

would occur and state that the proposal would be compliant with key elements of the NPPF including paragraph 137 which encourages LPAs to support proposals which preserve or make a positive contribution to a Conservation Area and WHS. Historic England do emphasise that final material choices would be important and this can be conditioned on any approval.

125. With regards to layout and landscaping matters, public realm and landscaping to the north, east and west of the Block would remain very similar to that previously approved. A public response objects to the amends partly on the grounds that a feature pedestrian entrance adjacent to the Block from Framwelgate Peth would be eroded. The pedestrian entrance into the development would remain and would include a feature landscaping area adjacent to it though the plans do depict the route narrowing though relatively slightly. There would remain an approximate 6m wide pedestrian entrance adjacent to the Block off Framwelgate Peth and Landscape Officers confirm that they consider this would remain an inviting entrance.
126. The incorporation of the service layby proposed to the south of the Block would remove an area proposed for soft landscaping and potentially tree planting adjacent to Milburngate Bridge. The replacement layby so as to provide the vehicular access and footpath for pedestrians/cyclists will be by necessity hard surfaced. Potentially the Highway Authority could require a signing and/or lining scheme to serve the layby. As a result there would be a somewhat less attractive area of public realm south of the Block than the original proposal could have allowed though not substantially so.
127. Under the original planning application a significant concentration of tree loss was accepted along a section of Framwelgate Peth and this would include those adjacent to Block 1a. This loss was as a result of the need to remove and redesign the retaining structures. Tree loss would remain as per the previous approved scheme and would not differ under this application.
128. In terms of archaeology, conditions were imposed on the planning permission to permit the demolition of the exiting building. These conditions related to the undertaken of a scheme of historic building recording and subsequent deposit with the County Durham Historic Environment Record (HER). This historic building recording has been undertaken as per the required condition. No further archaeological requirements are necessary.
129. In conclusion, no overall harm is considered to occur to the significance of individual heritage assets. Wider townscape and visual impacts are acceptable with the character and appearance of the Conservation Area and setting of the WHS preserved. More generally the design, layout and landscaping impacts of the development are considered acceptable. As a result, no objections to the impacts of the development in visual, townscape and heritage impact terms are raised. The application is considered compliant with CDLP Policies E3, E6, E10, E14, E15, E21, E22, E23, E24, H13, S10, V6, Q4, Q5, Q6 and Q7 in this regard. All of these Policies are considered to be either partially (Policies E6, E22, E23, E24, S10 and V6) or fully (remaining policies) consistent with the NPPF and all can be afforded weight in the decision making process. The development is also considered compliant with key relevant sections of the NPPF namely within Parts 7 and 12.

Highway Safety/Issues

130. Under this application for the revised Block 1a proposal no amends are proposed to access and parking arrangements for customers/visitors and staff. The main access to the public car park proposed under the wider redevelopment would remain off Framwelgate Waterside at the riverside level to the east of the hotel building. It should

be noted that separately under the currently pending application DM/18/00896/VOC amends are proposed to access arrangements for the wider development and that application should be referred to for the detail.

131. The car park proposed beneath podium level is proposed to serve the development as a whole and it would form another city centre car park which could be parked in by visitors to not only this development but the city centre more widely and indeed conversely visitors to this development could park elsewhere in the city centre.
132. In response to the proposed change to Block 1a from predominately residential occupation to hotel, the Highway Authority have not required any specific amends to the car parking including any requirement to increase parking provision.
133. The significant highways related impact is the provision of the service layby accessed off the A690 Leazes Road/Milburngate Bridge. The Highway Authority initially raised objected on the grounds that there would be the potential for vehicles using the layby to overhang the rear of the layby into the nearside running lane. Concerns were also expressed that the rear view visibility for vehicles egressing the layby would not be adequate with the risk that the driver would be unable to adequately see a vehicle approaching from the west. The initially proposed service access gate position was also objected to as it would overhang the live nearside lane if the vehicle was parked with its rear at the access gate.
134. Since these original objections were raised the applicant has sought to amend the service layby proposals and submitted additional plans and information. The Highway Authority are now satisfied with the amendments and consider that the service layby can be accepted in the position proposed. The layby has been amended so that it is longer, permitting vehicles more space to straighten in the layby and allow them to exit more safely with greater visibility. The revised plans depict a track analysis showing the manoeuvrability of a 14.6m long articulated vehicle and 12m long rigid vehicle using the layby.
135. Subject to a condition requiring a final management scheme for the layby being devised, the Highway Authority now raise no objection to the proposals. This scheme is proposed to cover elements such as ensuring that the service access gate to serve the layby would be a sliding gate as opposed to one which would open outwards (affecting the layby) or inwards (affecting the footway width) together with means to prevent unauthorised drop-offs in the layby.
136. Durham Constabulary Architectural Liaison Officer has raised no overall objections to the proposals. Some concerns over the safety of the service layby are raised, and like the Highway Authority, the need for the management scheme is emphasised.
137. Aside from vehicular safety considerations, there is the need to consider the implications on the footway along Leazes Road/Milburngate Bridge and Framwelgate Peth. Public concerns received include those relating to the considered narrowing effect of the proposals on the width of the footpath which would result in a substandard shared pedestrian and cycle route. It is proposed that the final detailed design of the service layby would be resolved under condition and separately there was also a condition on the wider redevelopment scheme (to be repeated on any planning permission granted for this development) so as to agree final footway design on those sections of Framwelgate Peth and Leazes Road/Milburngate Bridge within the application site. Under these conditions the final width of footway to be provided having regards to the need, for instance, to provide a pedestrian guardrail would be devised. The Highway Authority have raised no objections to the impacts of the servicing layby upon pedestrian and cycle movements to the south of the Block. They

accept that the current shared footway in this area is already restricted at present. The final shared footway design, though it may have some differing precise width dimensions to both the existing footway and the previously approved development, should remain similar/commensurate with both.

138. The application is accompanied by a Travel Plan which Sustainable Travel Officers have accepted, stating that it meets the necessary standards.
139. Overall, no objections are raised to the development on highways related grounds, with the development considered compliant with relevant sections of CDLP Policies T1, T19, T20, T21, V6, Q1, Q2 and Q7. These policies are considered to be either partially (Policies T1 and V6) or fully (remaining policies) consistent with the NPPF and all can be afforded weight in the decision making process. CDLP Policy T10 is also applicable to the site and relates to parking provision. Policy T10 seeks to minimise the level of provision which is considered contrary to the more up to date approach advocated by national guidance and as a result no weight is attributed to this policy. The development is considered compliant with key relevant sections of the NPPF namely Part 4.

Residential and Occupier Amenity

140. Within the approved wider redevelopment proposals key issues for consideration related to amenity were; air quality implications; lighting impacts; implications of nuisances arising from construction activities; noise and vibration and the potential for disturbances arising from the mixture of uses; odour; contamination; and whether adequate separation between buildings remains having regards to privacy, outlook and light. Subject to conditions as necessary, no objections were raised having regards to these factors.
141. In regards to air quality, Environment, Health and Consumer Protection have raised no objections to the proposed revisions to Block 1a. The proposed change from a residentially occupied block at the site to that of a hotel is insignificant in air quality terms and the end user would actually be less sensitive to air quality issues. However, mitigation measures in the form of particular ventilation requirements would still apply to the hotel use as they did to the previously approved residential occupation. Similarly during the construction phase a condition requiring confirmation of the Heavy Duty Vehicle (HDV) movements when they are known and an assessment upon air quality will be needed. To reduce the impact on air quality, the condition would also require that HDV movements are scheduled outside the AM and PM peak traffic periods.
142. Under the wider redevelopment proposals Environment, Health and Consumer Protection concluded that it was unlikely that the proposals pose any significant concerns in relation to impacts upon neighbouring occupiers. However, it was advised that final lighting proposals be controlled under condition. The current application is accompanied by a lighting assessment note which advises that the lighting assessment conclusions contained within the ES accompanying the approved application remain valid and a revised lighting strategy providing concept lighting designs of the revised Block A has also been submitted. Environment, Health and Consumer Protection have again raised no objections subject to the final design being agreed under condition. Officers concur with these views and a condition would be added to any planning permission.
143. Prior to the redevelopment proposals commencing, and as per the original planning permission, there would be a requirement for the submission of, and agreement to, a construction management plan; the aim being to reduce the potential for nuisances caused by the construction of the building as a result of noise and dust etc.

144. The originally approved application was accompanied by a noise report, the scope of which was to determine the existing noise climate at the site at nearby noise sensitive receptors, to assess the suitability of the site for the proposed development having regards to potential impacts on nearby occupiers and to identify any potential constraints to the development due to noise exposure or emissions from the site. Existing noise is generally dominated by the traffic on Framwelgate Peth and Leazes Road/Milburngate Bridge whilst any implications of an increase in traffic as a result of the development upon this existing noise climate would be insignificant. As a result of the mixture of uses proposed within the wider redevelopment, there is the potential for the transfer of noise and vibration between the commercial units and residential units proposed. Proposed plant which could run 24hrs a day would be another source of noise. Consideration was also given the potential impacts of the comings and goings at the wider site due to the range and mix of uses including food, drink and cinema use which could entail late night opening.
145. This current application is accompanied by an updated noise assessment building upon the findings under the original application. Environment, Health and Consumer Protection have raised no objections to the submitted report or the revised Block 1a proposals in regards to noise. However, it is advised that conditions so as to control plant noise would be required. Officers concur with these views and the necessary condition can be added to any planning permission.
146. The comments of the Durham Constabulary Architectural Liaison Officer are noted where it is highlighted that the precise use of the commercial units on the lower floors are not known but should they be licensed premises there is the potential for conflict between the residential occupiers of the site and late night revellers. This is acknowledged, though the original planning permission for Block 1a also proposed commercial use on the lower floors. A planning condition would be added to any planning permission requiring agreement to be reached on the opening hours of the proposed food and drink uses (A3-A5 classes).
147. Consistent with the original planning permission a condition would also be added to any planning permission requiring final means of extraction equipment to be agreed so as control the emission of odours from any food and drink uses within the Block.
148. With regard to the potential for site contamination, Environment, Health and Consumer Protection officers raise no objections but state that a condition should be added to any planning permission requiring the submission of a Phase 4 verification report. A condition has been part discharged in this regards to site contamination pursuant to the approved demolition under planning permission DM/15/1119/FPA. There is a requirement for the applicant to discharge that condition in full through the submission of a phase 4 verification report in order to confirm the remediation strategy has been completed. The requirement to fully discharge this condition on DM/15/01119/FPA applies irrespective of this application and there is no requirement to repeat the condition on any planning permission for this development.
149. In regards to the layout of the development and potential for any harmful privacy, loss of outlook or light, the layout of the block and its overall scale and location of windows is similar to the Block 1a building previously approved. Its relationship with neighbouring land uses and occupiers, both existing off-site and proposed within the wider on-site redevelopment, would also be essentially commensurate with that approved. The western elevation of the revised Block 1a would be approximately 52m from the nearest property at Highgate on the opposite side of Framwelgate Peth. Properties at St Annes and St Godrics Courts would be approximately 75m from the southern elevation of the block. On the opposite side of Leazes Road/Milburngate

Bridge is the Riverwalk redevelopment which when occupied will include on the upper floors student accommodation. Distances between the student flats and the proposed hotel would be approximately 24m at the nearest point.

150. Within the site itself the relationship between the proposed Block 1a and neighbouring Block 1b would be quite intimate with distances between the blocks varying from around 10m to 25m but this relationship remains as per the previous approval under which no objections were raised referencing that the City Centre is in part characterised by winding intimate streets.
151. In conclusion, no objections are raised to the development in relation to the range of potential amenity impacts which could emerge from the development, subject, as necessary, to conditions. The proposals are considered in compliance with relevant CDLP Policies H13, Q1, Q7, U5, U7 and U11 in this regard and Part 11 of the NPPF. CDLP Policies are considered either partially (U5) or fully (remaining policies) consistent with the NPPF and can be attributed weight in the decision making process.

Flood Risk and Drainage

152. The Milburngate House site is located adjacent to the River Wear and the site has a history of flooding. The originally approved wider redevelopment proposal was accompanied by an ES chapter on flood risk and hydrology and associated enclosures including a flood risk assessment (FRA). It was noted under that application that in relation to the wider redevelopment site the north western area lies within Flood Zone 1 (low flood risk probability). Parts of the western and southern section of the wider site lie within Flood Zones 2 (medium flood risk probability) with the eastern part of the site being within Flood Zone 3. Flood Zone 3a has a high flood risk probability and Flood Zone 3b is the functional flood plain. The eastern part of the wider site to be within Flood Zone 3b.
153. Under the original planning permission consideration of the sequential and exception flood risk tests was given. It was accepted that there was no reasonably available and sequentially preferable locations for the redevelopment. With regards to the exception test it was firstly accepted that the development provides the necessary wider sustainability benefits that outweigh the flood risk and secondly that the submitted FRA demonstrated that the development would be safe for its lifetime taking account of the vulnerability of its users, that no increase in flood risk elsewhere would occur.
154. The key flood risk mitigation measures incorporated into the overall development were to ensure that all of the uses other than water compatible elements and the cinema are located at the top of a platform set at a minimum level of 33.5m AOD. This minimum finished floor level of 33.5m AOD is above the 1% probability event (1 in 100 year) event and includes appropriate allowances for climate change. Also as mitigation, floodplain storage would be provided to ensure that the current volume of floodplain is maintained.
155. The flood risks associated with just the Block 1a revisions under this application are less complex in the sense that the amendments proposed only affect the development from level 02 upwards at around 39.5m AOD a full 6m above the 1% probability event (1 in 100 year) (including appropriate allowances for climate change). All development within the application site to be implemented beneath this level is required to be implemented as part of the wider redevelopment proposal. The Environment Agency have raised no objections to the development subject to a condition requiring the FRA mitigation measures being implemented/adhered to.

156. In regards to surface water disposal proposals the wider drainage strategy for the site would entail the discharge into the River Wear with restriction on the discharge rate. The use of soakaways (more preferable in the surface water disposal hierarchy) were considered unsuitable due to the ground conditions. Foul water flows for the wider development would be discharged into the main sewer.
157. The proposed amendments to the Block 1a building would not alter the principles of the surface water and foul water disposal though peak foul flow disposal from a hotel would be higher than the previous residentially occupied block.
158. Neither Northumbrian Water nor Drainage and Coastal Protection raise objections to the development in regards to the drainage proposals for the development.
159. No objections are raised to the development on flood risk and drainage grounds with the development considered compliant with CDLP Policies U8a, U9 and U10 which are considered either fully (Policy U8A) or partially (Policies U9 and U10) consistent with the NPPF and can be attributed weight in the decision making process. The proposal is considered to accord with Part 10 of the NPPF.

Ecology

160. The approved wider redevelopment application was accompanied by a phase 1 habitat survey, bat method statement, bat emergence surveys and a biodiversity statement. Those submissions built upon ecological submissions which accompanied the previously approved application for demolition of Milburngate House and the ecological documentation has been submitted again under this current application.
161. With regards to designated sites of nature conservation interest local wildlife and nature reserve sites within 1km of the application comprise of Flass Vale, Hopper's Wood, Frankland Pond, Pelaw Wood, Houghall, Maiden Castle and Little Woods. No statutory designated sites are located within 1km of the site.
162. The surveys undertaken did not find any protected species on site, other than nesting birds and recommendations were included to ensure that birds were not adversely impacted upon by the proposed demolition works. Some loss of foraging habitat for badgers and hedgehogs were also identified to occur and again mitigation measures so as to control when vegetation can be removed from the site were recommended.
163. Although no bats were seen emerging from the building during the bat emergence surveys, the potential for bats to use some of the external structures of the building as roost sites was noted. In order to mitigate the impact on bats, a method statement states was devised and trees to be lost as a result of the redevelopment would be visually inspected before they were felled. The impact of lighting was considered and it was concluded that the proposed development would not significantly exceed existing levels and it is unlikely that there would be any significant impact on the use of the River by foraging bats and other river wildlife.
164. The proposed amends to the Block 1a building raise no new ecological considerations. Ecology have raised no objections to the development provided that the final lighting scheme (which can be conditioned) ensures that light spillage is restricted so as to not affect the River ecological corridor.
165. No interference with protected species is identified as a result of the development. No European Protected Species Licence is therefore considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.

166. In terms of ecological and biodiversity issues, it is considered that there would be no overall adverse impacts. No objections to the application on ecological or nature conservation grounds are raised with the development considered in accordance with CDLP Policy E16 (fully consistent with the NPPF) and Part 11 of the NPPF.

Viability and Planning Obligations

167. As this planning application relates to the provision of a hotel and A1-A5 commercial units the requirements to provide some planning obligations via S106 legal agreement do not apply. No affordable housing or off-site contribution towards open space and recreation facilities are required for hotel or A1-A5 uses.
168. However, the wider redevelopment does propose residential units where obligation in relation to affordable housing and monies towards open space and recreation would ordinarily be required to mitigate the impacts of the development. Following an assessment of development viability which included the Council employing two independent consultants to appraise viability issues, it was accepted that the viability of the wider redevelopment was marginal and, as a result, affordable housing provision and open space/recreation provision was not sought at that time. However, so that the Council could retain the ability to review the viability of the site in the future a S106 legal agreement was entered into which included obligations that at certain trigger points viability reviews would be required. If it was demonstrated that the applicants profit exceeded a certain level then 50% of that surplus would be required to be paid to the Council for the provision of affordable housing and/or open space and recreation provision.
169. Whilst the planning obligations are not required by this development as such, the amended proposal would form part of the wider redevelopment site and it is considered necessary to enter into a Deed of Variation of that legal agreement so that it reflects the most up to date mixture of uses proposed and that those viability review obligations should apply to this new planning permission
170. CDLP Policy Q15 seeks to encourage the provision of artistic elements in the design and layout of proposed development. Where such elements are not proposed again a financial contribution in lieu of this would be expected.
171. Having regard to the Community Infrastructure Levy (CIL) Regulations and advice contained at NPPF paragraph 204, planning obligations ensured via a S106 legal agreement should be; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.
172. Public art provision is not necessary to make the development acceptable – the development would remain acceptable in principle at the site without either a public art installation on site or indeed offsite contributions. Such an obligation would fail to meet the CIL regulations and is therefore not requested consistent with the original planning permission.

Other Issues

173. In regards to matters of land stability and coal mining legacy issues the Coal Authority have raised no objections to the development subject to a condition requiring a detailed site investigation and as necessary remedial measures to be implemented having regards to CDLP Policy U13 (NPPF compliant) and Part 11 of the NPPF. However, as this application relates only to above podium development there will be

no excavation beneath ground level pursuant to this development. Site stability requirements are applicable to the wider development at the ground level.

174. The application sets out within an energy report a commitment to embedded sustainable measures within the build. The key proposal is the implementation of a Combined Heat and Power (CHP) engine which would be situated within the plant areas of the Block. The report highlights that this is expected to deliver an approximate 38% reduction in carbon emissions over the 2013 Building Regulations Part L requirements. No objections to the development are therefore raised having regards to CDLP Policy U14 on energy conservation (fully consistent with the NPPF).
175. The Town and Country Planning (General Permitted Development) (England) Order 2015 permits, subject to conditions in some instances, a number of changes of use which can be undertaken to those uses proposed within Block 1a without the requirement of planning permission. It is considered that should some of these changes of use occur within the development planning impacts of a material nature could occur. So as to enable the LPA to fully consider the impacts of such changes occurring at the site it is considered appropriate that these permitted development rights be removed under condition on any approval. The changes of use which it is considered should be removed so as to enable future consideration are;

Retail or betting office or pay day loan shop to mixed use
Hotel to state-funded schools or registered nursery

176. The Employability Team request that targeted recruitment and training clauses are included within any S106 legal agreement. It is considered that this matter can be covered under condition.

CONCLUSION

177. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.
178. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances paragraph 14 of the NPPF advises that the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay (unless material planning considerations indicate otherwise). Likewise, and in accordance with paragraph 12 of the NPPF, development which conflicts with a development plan should be refused unless, again material planning considerations indicate otherwise.
179. The proposal effectively seeks to alter the occupation of the previously approved Block 1a building within a permitted wider mixed use redevelopment so as to introduce the predominant use as that of a hotel rather than residential units. The mix of uses within the Block comprising of the hotel and commercial units which could open as either shop, financial and professional services or food and drink uses are acceptable uses in principle in a city centre location.

180. The amendment to the occupation of the Block would in turn amend the design and appearance of the building but the revised Block is considered to remain acceptable with no harm considered to occur to heritage assets including the Durham City Centre Conservation Area and the WHS.
181. The amendments would entail the introduction of a new service layby access via Leazes Road/Milburngate Bridge and following revisions to refine this proposal the Highway Authority have raised no objections.
182. Assessment against the key other relevant material planning considerations has been made namely residential and occupier amenity; flood risk and drainage; ecology; and viability and planning obligations.
183. The proposals are considered to accord with relevant CDLP Policies and no other material planning considerations are considered to apply which indicate that the development should be refused. As a result having regards to all material planning considerations including comments raised in the public consultation exercise, it is considered that the proposals are acceptable and approval is recommended as a result.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- i) A Deed of Variation of the S106 legal agreement pursuant to planning permission DM/16/01228/FPA so that the viability review obligations in respects to affordable housing and open space and recreational space contributions reference this revised development under DM/18/00894/FPA

And subject to the following conditions:

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

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

2. The development hereby approved shall not be occupied until the structure of the podium, car parking provision, plant, core, circulation and servicing areas at levels B1, 00 and 01 (the development podium / platform) as defined on drawings 2962-FBA-00-B1-DR-A-00_10-0B100 Rev P1.1, 2962-FBA-00-00-DR-A-00_10-00000 Rev P1.2 and 2962-FBA-00-01-DR-A-00_10-00100 Rev P1.2 are completed to a point that the Block 1a building can be adequately serviced and in accordance with a Schedule of Works which must first have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (with the exception of demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting steel frame at levels B1, 00 and 01 inclusive).

Thereafter the development must be completed in accordance with the approved Schedule of Works.

Reason: To ensure that necessary supporting infrastructure and development to serve the development hereby approved is implemented prior to the commencement of the development hereby approved having regards to CDLP Policies E3, E6, E10, E14, E15, E16, E21, E22, E23, E24, H2, H7, H12A, H13, EMP12, T1, T19, T20, T21, S1A, S2A, S10, R1, R2, CC1, C2, C8, Q1, Q2, Q4, Q5, Q6, Q7, Q8, U5, U7, U8A, U9, U10, U11 and U14 and Parts 1, 2, 4, 6, 7, 8, 10, 11 and 12 of the NPPF.

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

Plans:

2962-FBA-01-02-DR-A-00_10-0200 Rev P1.3 Proposed Premier Inn Level 02
2962-FBA-01-03-DR-A-00_10-0300 Rev P1.2 Proposed Premier Inn Level 03
2962-FBA-01-04-DR-A-00_10-0400 Rev P1.2 Proposed Premier Inn Level 04
2962-FBA-01-05-DR-A-00_10-0500 Rev P1.2 Proposed Premier Inn Level 05
2962-FBA-01-06-DR-A-00_10-0600 Rev P1.2 Proposed Premier Inn Level 06
2962-FBA-01-07-DR-A-00_10-0700 Rev P1.1 Proposed Premier Inn Level 07
2962-FBA-01-08-DR-A-00_10-0800 Rev P1.3 Proposed Premier Inn Level 08
2962-FBA-01-00-DR-A-01_10-1A-51 Rev P1.2 Proposed Premier Inn Elevations
2962-FBA-00-00-DR-A-05_10-0_104 Rev P1.1 Location Plan
2962-FBA-00-03-DR-A-05_10-00305 Rev P1.2 Proposed Site Plan
2962-FBA-01-00-DR-A-00_10-0_79 Rev P1.1 Existing Site Section East
2962-FBA-01-00-DR-A-00_10-0_80 Rev P1.2 Proposed Site Elevations East and West
2962-FBA-01-00-DR-A-00_10-0_81 Rev P1.2 Proposed Site Elevations North and South
2962-FBA-01-00-DR-A-00_10-0_82 Rev P1 Proposed Elevation with Proposed Gates Development
2962-FRA-01-00-DR-A-01_10-0_28 Rev P1.2 Proposed Elevation and Section 01
2962-FBA-01-00-DR-A-01_10-0_29 Rev P1.2 Proposed Elevation and Section 02
2962-FBA-01-00-DR-A-01_10_30 Rev P1.2 Proposed Elevation and Section 03
AIA TPP Phase 1 Cons. – South Rev A Arboricultural Impact Assessment Tree Protection Plan (TPP)
ATR-026 Rev P06 Service Access Track Analysis with a 14.6m articulated vehicle
ATR-027 Rev P05 Service Access Track Analysis with a 12m rigid vehicle

Documents:

ES Appendix 10.1 Flood Risk Assessment August 2016
ES Appendix 10.1 Flood Risk Assessment Modelling Appendix B
ES Vol 1 Flood Risk and Hydrology Mitigation Measures Detailed at 10.83 – 10.97
ES Vol 1 Air Quality mitigation Measures Detailed at 11.111 – 11.121
ES Vol 1 Lighting Mitigation Measures detailed at 12.75 – 12.81
ES Vol 2 Amended Appendix 3.1 Schedule of Development
WSP Hotel Application Flood Risk Assessment 2018
WSP Lighting Assessment
WSP Energy Report December 2017
WSP Air Quality Technical Note
WSP Environmental Noise Assessment January 2018
WSP Drainage Strategy Addendum 70028015 31 January 2018
ES Appendix 10.2 Drainage Strategy
WSP Travel Plan 70028012-02 January 2018
Transport Statement 70028015-01
Arboricultural Impact Assessment Revision A 26th August 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E3, E6, E10, E14, E15, E16, E21, E22, E23, E24, H2, H7, H12A, H13, EMP12, T1, T19, T20, T21, S1A, S2A, S10, R1, R2, CC1, C2, C8, Q1, Q2, Q4, Q5, Q6, Q7, Q8, U5, U7, U8A, U9, U10, U11 and U14 and Parts 1, 2, 4, 6, 7, 8, 10, 11 and 12 of the NPPF.

4. No development other than demolition shall take place until the following has been submitted and approved in writing by the Local Planning Authority;
 - i) Full details of the number and routing of all Heavy Duty Vehicle (HDV) necessary to implement the construction of the development. The details submitted shall also confirm the hours of the HDV movements and confirm that they shall be scheduled outside of the AM and PM peak traffic periods.

If following an assessment of the information submitted under i) the Local Planning Authority confirm that the potential impacts of HDV movements necessitate the submission of an Air Quality Assessment (AQA) (or amended AQA) the applicant shall submit said assessment.

No development shall then commence until, the submitted AQA (where submission is necessary) has been approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details including any mitigation measures.

Reason: In the interest of reducing impacts upon air quality having regards to CDLP Policy U5 and Part 11 of the NPPF. Required to be a pre-commencement condition as impacts of construction activity upon air quality must be assessed before construction works commence.

5. No development other than demolition shall take place until a Construction Management Plan (CMP) has been first submitted to and approved in writing by the Local Planning Authority. The CMP shall consider the potential environmental impacts (noise, vibration, dust & light) that the construction phase may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall but not necessarily be restricted to:
 - An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction February 2014
 - An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 Code of practice for noise and vibration control on construction sites 2014.
 - Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
 - Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of vehicular routes, accesses and any highway management measures proposed.

Thereafter the development shall be implemented in accordance with the approved CMP.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 11 of the NPPF. Required to be a pre-commencement condition as impacts of construction activity upon air quality must be assessed before construction works commence.

6. No development works other than demolition, preliminary site excavation, enabling and remedial works, shall commence until the final design of the service layby based upon the details on ATR-026 Rev P06 Service Access Track Analysis with a 14.6m articulated vehicle and ATR-027 Rev P05 Service Access Track Analysis with a 12m rigid vehicle have been submitted and approved in writing by the Local Planning Authority.

Thereafter, the layby will be implemented in accordance with the approved details.

Reason: In the interest of pedestrian and highway safety in accordance with CDLP policy T1 and part 4 of the NPPF.

7. The development hereby approved shall not be occupied until a Management Plan for the use of the service layby hereby approved has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the layby must be managed in accordance with the approved Management Plan at all times.

Reason: In the interest of pedestrian and highway safety in accordance with CDLP policy T1 and part 4 of the NPPF.

8. No works other than demolition, preliminary site excavation, enabling and remedial works shall take place until an Employment & Skills Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF.

9. Notwithstanding details contained within the plans and documents, no development other than demolition, preliminary site excavation, enabling and remedial works shall take place until a final scheme of pedestrian and cycling provision by means of a footpath/cycle path and any associated verges, landscaping and enclosures on those sections of Framwelgate Peth and Leazes Road/Milburngate Bridge which are within the red line site boundary (as defined on 2962-FBA-00-00-DR-A-05_10-0_104 Rev P1.1 Location Plan) has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include details on the timescale of the provision of the pedestrian and cycling provision.

Thereafter the pedestrian and cycling provision shall be implemented in accordance with the approved details.

Reason: In the interests of integrating sustainable transport measures into the development having regards to CDLP Policy T20 and Part 4 of the NPPF.

10. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- Details of soft landscaping including plant species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths;
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- Details of hard landscaping and public realm works; and
- Details of means of enclosure, including retaining walls;
- Details of the long term management proposals including measures to ensure the replacement of trees or plants which die, fail to flourish or are removed and details of timescales of the implementation of the landscaping proposals shall also be submitted.

Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, Q7 and Q8 and Parts 7 and 11 of the NPPF.

11. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame shall take place until full details including samples and sample panels of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. Thereafter the development must be implemented in accordance with the approved details.

Reason: In interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23, Q7 and Q8 and Parts 7 and 12 of the NPPF.

12. Notwithstanding details submitted within the submitted plans and documentation no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame shall take place until an advertisement and signage strategy for the development has been submitted to and approved by the Local Planning Authority.

Reason: So as to ensure that that the approach to advertisements and signage within the development is sympathetic to its location and so as to preserve the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23, Q7 and Q8 and Parts 7 and 12 of the NPPF.

13. No development works other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to the building shall take place until a detailed design including floorplans and elevations for the provision of a pedestrian connection/link between the application site and the adjacent Gates/Riverwalk shopping centre based upon the details shown on drawing has been submitted to and approved by the Local Planning Authority. The details must include a timetable for the implementation of the connection/link and the connection/link must be completed and available for use in accordance with the approved details.

Reason: So as to ensure appropriate connectivity and accessibility having regards to CDLP Policies Q1 and Q2 and Parts 4 and 7 of the NPPF.

14. No development works other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to the building shall take place until a scheme of sound insulation and tenant management measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the measures shall be to ensure that the tenants maximum operating noise limits, in conjunction with the sound insulation of walls, floors windows and ceilings between the commercial units and hotel bedroom accommodation shall be sufficient such that commercial noise does not exceed NR 20 (23.00-07.00) and NR 30 (07.00-23.00) (both measured as an $L_{eq,5mins}$ and assessed between 63Hz and 8kHz) within habitable areas of dwellings. The approved schemes shall be implemented prior to the occupation of the development.

Reason: In the interests of preserving the residential and occupier amenity of site occupiers having regards to CDLP Policies U7 and Q8 and Part 11 of the NPPF.

15. Prior to the occupation of any A3/A4/A5 unit, or that particular unit, details all plant, extraction and ventilation to be utilised within any A3/A4/A5 unit or that particular unit, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the use commencing on any A3/A4/A5 unit or that particular unit and shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interests of preserving the residential amenity of site occupiers having regards to CDLP Policies U7 and Q8 and Part 11 of the NPPF.

16. No development works other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to the C1 use hotel hereby approved shall take place until full details of all plant, extraction, ventilation including fume extraction systems to be utilised within development are submitted to and approved in writing by the Local Planning Authority. Such details should include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems. The approved details shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of preserving visual and residential amenity of site occupiers having regards to CDLP Policies U7 and Q8 and Part 11 of the NPPF.

17. Prior to the occupation of the development, a final external lighting scheme and associated lighting impact assessment shall be submitted and approved by the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided and having regards to the location of the site within Environmental Zone 3 in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light:

- A description of the proposed lighting units including height, type, angling and power output for all lighting
- Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.

The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Thereafter the development shall be implemented in accordance with the approved schemes and assessments.

Reason: In the interests of preserving residential amenity, preserving the character, appearance and setting of heritage assets and in the interests of conserving ecological assets having regards to CDLP Policies E3, E6, E16, E21, E22, E23, U7, H13, Q7 and Q8 and Parts 7, 11 and 12 of the NPPF.

18. Prior to the occupation of any unit to be utilised within the A3, A4, or A5 use classes hereby approved details of the proposed opening/operating hours of the units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the units shall operate in accordance with the approved details.

Reason: To define the consent and in the interests of residential amenity having regards to CDLP Policy U5 and Part 11 of the NPPF.

19. No machinery or plant shall be operated until a detailed noise impact assessment and scheme of sound attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant and machinery on the site shall not exceed the representative daytime background (LA90, 1hour) by more than 5dB between 07.00-23.00 and the representative night-time background (LA90, 15mins) by more than 0dB between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The development shall then be implemented in accordance with the approved measures.

Reason: In the interests of residential amenity having regards to CDLP Policy U5 and Part 11 of the NPPF.

20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2016 FRA_002, the WSP Flood Risk Statement 2018 and the following mitigation measures detailed within the FRA:

- Provision of compensatory flood storage as described in section 5.2.4, 5.2.5 and 6.3 of the FRA
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- Finished floor levels are set no lower than 33.5m above Ordnance Datum (AOD).

Reason: In the interests of flood prevention and so as to ensure safe access to and egress from and to the site having regards to CDLP Policy U10 and Part 10 of the NPPF.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking or re-enacting that Order, no changes of use permitted under Classes G and T of Part 3 under Schedule 2 shall be undertaken without the grant of further specific planning permission from the Local Planning Authority.

Reason: So that the Local Planning Authority can exercise further control in regards to the impacts of these changes of use.

22. No development works pursuant to the development hereby approved shall take place outside the hours of 7.30am - 6pm Monday to Friday (inclusive) and 8am - 1pm on a Saturday with no works on any Sunday or Bank Holiday.

Reason: To define the consent and in the interests of the amenity of neighbouring occupiers having regards to CDLP Policy U5 and Part 11 of the NPPF.

23. The maximum floorspace provision within the red line application site and neighbouring blue line wider development site as shown on drawing 2962-FBA-00-00-DR-A-05_10-0_104 Rev P1.1 Location Plan must accord with the details contained within the ES Vol 2 Amended Appendix 3.1 Schedule of Development v8 (revised June 2018).

Reason: To ensure that maximum floorspace provision permitted across the wider redevelopment site adhere to the Schedule of Development in the interests of residential amenity having regards to CDLP Policies H13, S10, U5 and Part 11 of the NPPF.

24. The development must be implemented in accordance with the air quality mitigation measures detailed within ES Vol 1 Air Quality mitigation Measures at paragraphs 11.111 – 11.121 including the provision of a suitable form of ventilation requirements for Block 1a.

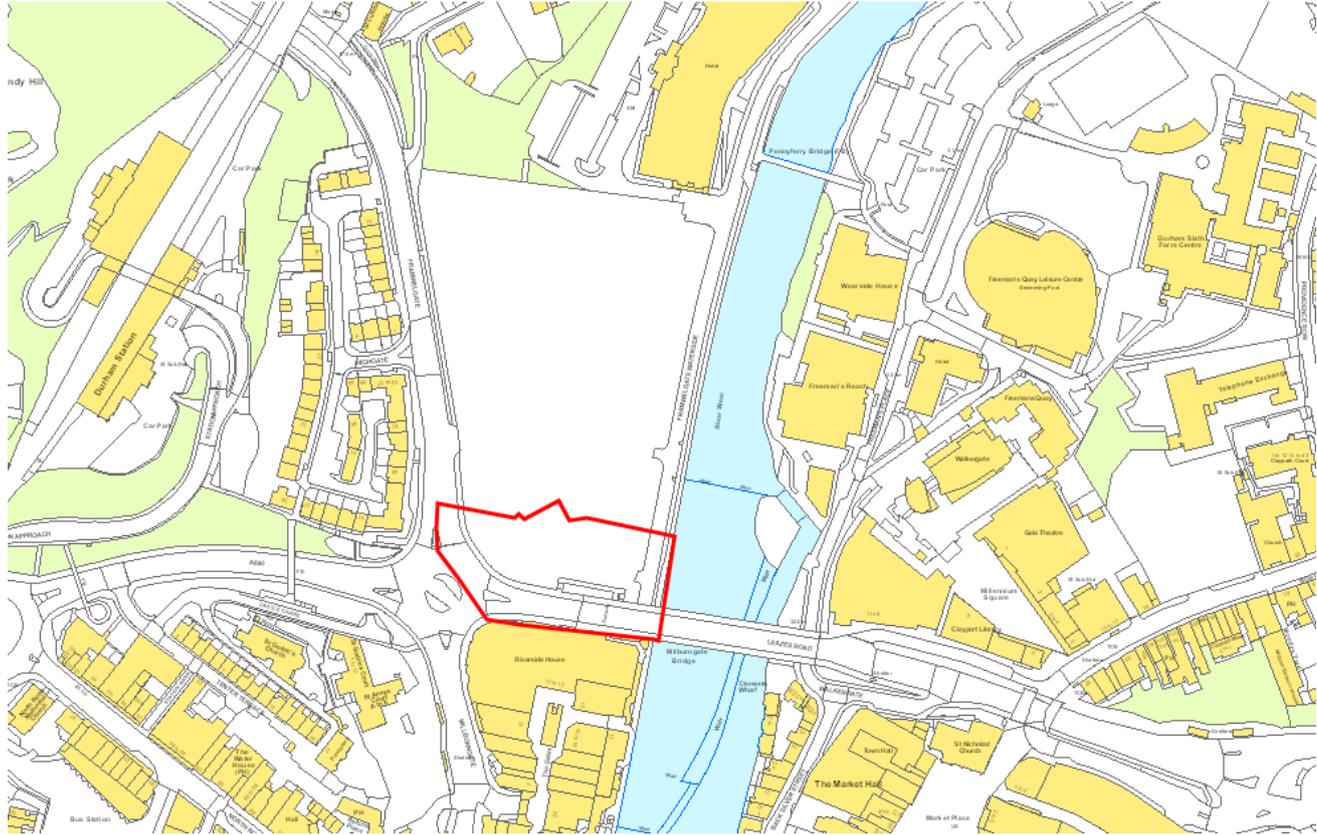
Reason: The air quality mitigation measures previously required for the residential Block 1a under application DM/16/01228/FPA are required for the hotel and A1-A5 uses hereby approved in the interests of amenity and pollution mitigation having regards to CDLP Policy U7 and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan
- The County Durham Plan
- Statutory, internal and public consultation responses



Planning Services

DM/18/00894/FPA

92-bed hotel and two commercial units for shop, professional and financial service and/or food and drink uses (Class A1-A5) with associated works

MGH Card LLP

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Comments

Date
3rd July 2018

Scale
Not to scale

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00341/FPA
FULL APPLICATION DESCRIPTION:	19 additional dwellings and substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings)
NAME OF APPLICANT:	Barratt David Wilson North East
ADDRESS:	Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the south of Merrington Lane and was formerly the site of Thorn Lighting Ltd before their relocation to a new facility on the nearby Green Lane Industrial Estate. The site extends to approximately 11.5 hectares and the industrial buildings which once occupied the site have now been demolished. The site is accessed directly off Merrington Lane and has a deep highway verge with mature hedgerow planting along the frontage.
2. The site is located within the defined Merrington Lane Industrial Estate as identified on the proposals map of the Sedgefield Borough Local Plan although planning permission has been granted for housing on part of this allocation. Around 180 dwellings have now been constructed and these lie to the north west of the area to be reconfigured. The surrounding area is mixed in character with allotments lying to the north, industrial development to the south west and open countryside to the south and east. Public footpath numbers 17 and 55 pass through the application site on its eastern extremity.

The Proposal

3. Planning permission is sought for the substitution of house types relating to 136 plots within a reconfigured phase 6 of the development that includes the addition of a further 19 dwellings (a total of 155). A submitted site layout plan indicates that the development would be laid round a principal circulation road with private shared drives and cul-de-sacs.. The proposed two to two and a half storey height dwellings would be a mix of 2, 3 and 4 bed terrace, semi-detached and detached properties. Access to the site would be taken off the existing access.

4. This application is being reported to the County Planning Committee as it relates to a housing development and the site area exceeds 4 hectares.

PLANNING HISTORY

5. The wider site has a complex planning history. In December 2006 outline planning permission (2006/0476) was granted for the demolition of the existing factory premises and subsequent redevelopment of the site for approximately 400 residential units with associated landscaping and infrastructure improvements. A related planning application (2006/0477) provided for the erection of a new factory building on land at the Green Lane Industrial Estate in Spennymoor. Both permissions were the subject of a section 106 legal agreement to secure the delivery of the replacement factory premises, provision of affordable housing, CCTV and lighting improvements to the footpath linking Merrington Lane to Spennymoor beneath the Spennymoor bypass, together with the management of on-site open space. A subsequent reserved matters application (7/2009/0274/DM) for the erection of 416 dwellings, including 30 apartments, was approved on December 2010. Whilst the replacement factory was constructed, the approved residential development outlined was only implemented in so far as the factory buildings were demolished and decontaminated works were underway.
6. Barratt later submitted an application (7/2012/0030/DM) in 2012 for the erection of 365 dwellings with associated highway infrastructure, parking, landscaping and open space. The development comprised of two storey, two and a half storey and three storey buildings in a mix of 2, 3 and 4 bedroom dwellings in detached, semi-detached and terraces formats together with 22 maisonettes over garage parking. The development utilised the existing access and would continue to serve the adjacent industrial development to the west of the site. Open space was to be provided in the form of a village green in the centre of the site together with large area of open space on the northern edge of the site and through which existing public rights of way are located. Due to changes in the economic climate it was no longer considered viable to provide affordable housing however a Section 106 Agreement was signed to secure the payment of a commuted sum towards the underpass improvements and cycle parking provision. These payments have been received in full.
7. A number of standalone and S.73 variation applications and approvals have also seen changes to the layout, house types and increase in the number of dwellings from 365 to 395.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – 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.

10. *NPPF Part 4 – 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.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *NPPF Part 7 – Requiring Good Design.* 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.
13. *NPPF Part 8 – Promoting Healthy 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 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

16. *Policy IB1 (Type of Industry and Business Areas)* states that the Council will normally approved development that maintain in appropriate locations a range of land available for industry and business.

17. *Policy IB2 (Designation of Type of Industrial Estate)* designates existing industrial estates as prestige business parks, general industrial areas or local industrial areas.
18. *Policy IB6 (Acceptable Uses in General Industrial Areas)* sets out that business, general industry and warehousing uses will normally be permitted in designated industrial areas, and that large food retail units will normally be refused, having regard to the purpose of the industrial area as set out under Policy IB1.
19. *Policy T1 (Footpaths and Cycleways in Towns and Villages)* states that the Council will seek to ensure safe, attractive and convenient footpath and cycleway links and networks are provided between residential areas and local shopping centres.
20. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing* - Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
21. *Policy E11 – Safeguarding of sites of Nature Conservation Interest* – Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects
22. *Policy L1 - Provision of sufficient open space to meet the needs for sports facilities, outdoor sports, play space and amenity space* - Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
23. *Policy L2 - Open Space in New Housing Development* - Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
24. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside*. Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
25. *Policy T1 – Footways and Cycleways in Towns and Villages* - States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
26. *Policy D1 - General Principles for the layout and design of new developments* - Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *Policy D2 – Design for People*. This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
28. *Policy D3 -Designed with pedestrians, cyclists, public transport* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *Policy D5 - Layout of housing development* - Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space

either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

30. *Policy D8 - Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

RELEVANT EMERGING POLICY

The County Durham Plan

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Spennymoor Town Council* – Objects to the development citing that it conflicts with paragraphs 7 (economic and social role), 17 (core planning principles), 21 (infrastructure provision), 23 (town centre) and 38 (school places) of the NPPF.
33. *Highways Authority* – No objection to the scheme following the latest revisions
34. *Northumbrian Water* – No comments to make at this stage

INTERNAL CONSULTEE RESPONSES:

35. *Planning Policy* – The principle of developing this site for residential purposes has been long established under previous planning permissions therefore a key consideration of this application is whether the site is capable of accommodating a further 19 dwellings.
36. *Design and Conservation* – Note that the re plan would result in more car dominated frontages and a reduction in open space.
37. *Drainage and Coastal Protection Section* – No objection subject to a condition to secure the drainage scheme
38. *Ecology* – No objection
39. *Environmental Health (Contaminated Land)* – No objection subject to the imposition of a condition.
40. *Environmental Health (noise)* – No objection subject to the imposition of conditions

41. Environmental Health (air quality) – The proposal will not have a significant effect on air quality and no further comments are considered necessary
42. *Landscape Section* – Both the detailed landscape proposals and management plan is considered to be acceptable however specialist advice should be sought regarding matters such as play areas.
43. *Clean and Green* – The impact safety surface is bark which would be high maintenance. The external management group responsible for the play area would be advised to inspect and maintain the equipment and surfaces in accordance with the manufacturers recommendations
44. *Public Rights of Way* – No objection to the scheme
45. *Housing Delivery* - Confirm affordable housing requirement of 10% would be expected equating to 2 units
46. *School Organisational Manager* – Raises no objections. It is considered that the development of 19 additional houses is likely to produce 6 primary pupils and 3 secondary pupils. There are sufficient secondary places available, but insufficient places at the nearest primary schools. Consequently a contribution of £87,096 would be required for the provision of additional teaching accommodation.

INTERNAL CONSULTEE RESPONSES:

47. *Ramblers Association* – No objections
48. *Police Architectural Liaison Officer* – No further comment

PUBLIC RESPONSES:

49. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. No public representations have been received.

APPLICANT'S STATEMENT:

50. Phase 6 is being replanned for smaller houses to further the opportunity for Spennymoor by providing houses for first time buyers, young families and older people looking to downsize which responds to local market demand. The substitution of 155 houses on the site for smaller house types has created additional space allowing for the addition of 19 houses on phase 6. This fully accords with the Government's recent, Housing White Paper which encourages residential development at higher density in suitable location, especially of brownfield sites.
51. The scheme has been carefully designed with all the houses having an active frontage onto the highways or areas of public open space. The houses benefit from off-street parking, with minimum separation distances achieved and adequate private amenity space. The change in house types would complement those recently built and approved in the northern part of the site. Similarly the proposed materials have been selected to match and are in-keeping with houses in the surrounding areas. The scheme has been designed to connect to the public right of way from the internal footpath network, thus enabling residents to easily access the wider footpath network. Natural surveillance is provided onto the areas of public open space, where play area equipment, both formal and informal, is to be implemented imminently.

52. The principle of development on the site for residential purposes has been accepted previous. The significant changes from the approved scheme are:

- Previous approval for 416 houses, including 30 apartments, was not pursued at the time due to the exceptional economic circumstances
- The introduction of new house types with better open-plan living and glazed rear pods
- The introduction of smaller house types for first time buyers

53. Since the original planning consent was granted, the Government has encouraged the use of SUDs in new developments. The Drainage Strategy proposes swales along the south eastern boundary. The local highway network is considered able to accommodate the additional traffic which would result. The significant highway improvements were designed to accommodate both the traffic from DurhamGate and from the 416 houses on this site. The proposed scheme with two less house would therefore have a similar impact on the capacity of the local highway network.

54. The proposed application will bring many benefits including:

- Adding to the County's housing supply in a location that has been identified as sustainable
- The incorporation of smaller family homes will deliver a wider choice of high quality houses in Spennymoor and Durham, responds to the local market and increases opportunities for home ownership
- Short term benefits to the local economy brought by the construction phase
- S106 contributions - £87,096 for education and £68,510 for public open space

The above 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:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the surrounding area, access and highways, amenity of adjacent occupiers, ecology, other issues and planning obligations.

Principle of development

56. The principle of developing the site for housing was established under planning permission 2006/0476 (and reserved matters 7/2009/0274/DM) for 416 dwellings and subsequently under application 7/2012/0030/DM which granted consent for 365 dwellings. A number of standalone and S.73 applications have also sought changes to the layout, house types and also have increased the number of dwellings from 365 to 395. This application simply seeks to re-plan parts of phase 6 of the site and to introduce 19 additional dwellings. This would result in the ultimate delivery of 414 units on site which is 2 fewer units than the earlier outline approval.

57. Notwithstanding this, there are relevant Development Plan policies which relate to the principle of development. The application site is designated, by way of policy IB2 of the SBLP, as forming part of the Merrington Lane Industrial Estate. It is acknowledged that the redevelopment of the site for residential purposes and the loss of an employment site would conflict with the Development Plan. However the wider benefits of the scheme, including securing a major employer in the area and providing new housing outweighed the policy presumption against a housing development in this location.
58. Paragraph 22 of the NPPF cautions against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. In accordance with Government advice, the appropriateness of retaining the site for employment use has been tested through an Employment Land Review (ELR) (2012). It is recognised that there are a number of areas within the estate which are not necessary to protect. A number of large companies have left the industrial estate in recent years, including Electrolux and Thorn Lighting, following their partial relocation, and the wider area benefits from consent for a mixed-use development, of which the current application would form a part. Notwithstanding any conflict with the aims of the development plan and Local Plan Policy IB6 in particular, the loss of the site for employment purposes is not considered to be contrary to emerging policy for employment land provision.
59. The application site is located within Spennymoor and the policy that was relevant to this area, policy H1, has not been saved. With regards to the principle of the new housing development in Spennymoor the local plan is considered to be silent.
60. In light of the above paragraph 14 of the NPPF is engaged. This requires a balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Five Year Housing Land Supply

61. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
62. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
63. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.

64. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
65. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
66. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

Local Sustainability of the Site

67. Notwithstanding the extant consent it is appropriate to address whether the site remains a suitable location for new housing. In the original planning applications the bypass was noted as being a major barrier separating the industrial estate from the rest of the town, which has an adverse effect on its suitability. The 2012 consent secured a financial contribution to upgrade the existing underpass into the town to include the installation of CCTV and improved lighting as well as cycling parking provision. These contributions were not calculated on a per dwelling basis and therefore approval of this application would not have any impact on the contributions previously secured which have now been paid in full.
68. In relation to this amended scheme it is considered that the erection of an additional 19 units would not alter the conclusions reached within the original and subsequent approvals. Recognising that Spennymoor is classified as a Tier 1 Settlement – Main Towns within the Durham County Council Settlement Study (2012) on account of the wide array of facilities and services that it possesses it is still considered that the sustainability of the site remains acceptable in accordance with Paragraph 61 of the NPPF and SBLP Policies D1 and D2 which are considered consistent the NPPF in this respect and can be given full weight in the decision making process.

Impact on the character and appearance of the surrounding area

69. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. This is reflected in Parts 7 of the NPPF which also seek to promote good design. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are partially consistent with the NPPF and can be attributed weight in the decision making process.
70. In this respect it was concluded in the original application that the design and layout of the proposed development was considered acceptable in accordance with

relevant SBLP Policies. In relation to the revised scheme, a denser element would be created in this final phase of the site which although is regrettable to a degree would be commensurate with the overall density of the wider development. This would be achieved through the substitution of house types, revisions to the layout as well as a slight encroachment into areas which were previous shown as areas of open space in the original approval, which will be considered later in the report. Overall it is considered that the proposed layout is acceptable and would result in a frontage that is not car dominated and utilising corner turner units where appropriate. The house types proposed and materials to be used would be commensurate with those already approved on the site. The proposed materials schedule, enclosures, hardstanding and landscaping arrangements are detailed in full and are considered to be acceptable. Their implementation will be secured by condition and conditions are also recommended to remove permitted development rights relating to front boundary enclosures and conversion of garages to habitable accommodation.

71. Overall, it is considered that the re-plan scheme would still deliver an acceptable form of development, in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 7 and 11 of the NPPF.

Access and Highway Safety

72. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the NPPF.

73. Following the re plan the dwellings would continue to be accessed via the existing site access which is capable of serving a development of this scale. In consultation with the Highways Authority appropriate layout arrangements and car parking provision (which would comply with the minimum requirements outlined in DCC Residential Car Parking Standards) has been secured. Other minor highways matters relating to internal speed limits and highway adoption procedures would be brought to the developer's attention by means of informatives.

74. Public Rights of Way, footpath 55/17 passes through the application site, and would be connected to the internal footpath network, thus enabling residents to easily access the wider footpath network. There would be no diversion required to facilitate the development. A condition (no.14) was imposed pursuant to planning permission 7/2012/0030 which sought to secure details of the connection. This is currently being progressed under application DRC/17/00298 and the developer is liaising with the Council's Public Rights of Way officer to secure an acceptable scheme. The development is therefore considered to accord with Policies T1, L9, D1, D2 and D3 of the Local Plan that seek to ensure safe and satisfactory pedestrian access.

75. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network. There is no conflict with the above mentioned policies and NPPF.

Amenity of Adjacent Occupiers

76. One of the twelve core planning principles of the NPPF is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. SBLP policies D3 and H17 require that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between

facing principal elevations and 14m between principal and gable elevations. The policies are considered to be in accordance with the intentions of the NPPF.

77. The internal layout falls short in some cases, but not to an unacceptable extent. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise. The new dwellings would all benefit from private amenity space.
78. To protect the amenity of future occupants a condition from the original consent will be carried forward which seek to provide protection between external and internal noise levels to ensure that prospective residents are adequately safeguarded from noise arising from the adjacent industrial units.
79. There is also the potential for some disturbance during the construction period. To address this an hours of operation condition would be imposed as well as conditioning the submission of a construction management plan. On this basis the Council's Environmental Health team raise no objection to the proposal.
80. The scheme would not have a significant adverse impact on the amenity of existing or future residents therefore is not considered to conflict with SBLP Policies D1 and D3 or Part 11 of the NPPF.

Ecology

81. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant submitted an ecology survey report and assessed the potential impacts of the development on protected species in the original application. Given that the previous permission has been implemented in accordance with the mitigation measures it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2017. Furthermore, considering the current state of the site and lack of features it is unlikely to be used by protected species. In line with the original application, the development is considered to conform to policy E11 of the SBLP (consistent with the NPPF) and Part 11 of the NPPF in this respect.

Other Issues

82. Paragraph 121 of the NPPF advises that it is important to ensure that the site is suitable for its new use, consideration should therefore be given to ground conditions and land instability, including from former activities and uses. The application site, by virtue of previous manufacturing and industrial uses is considered contaminated and under conditions imposed on the previous approval is being remediated.
83. The Contaminated Land officer agrees within the recommendations within the submitted Amended Remediation Strategy by Sirius which outlines the remediation strategy for sites A and B, that this work should be supervised and validated by a competent person. They raise no objection to the development subject to a condition to secure this work. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.
84. During the course of the remediation and site investigations already undertaken, various mine workings have been identified. Various surveys have been undertaken which have been assessed by the Coal Authority who raise no objections. The areas of high risk fall outside of the re-plan area.

85. The site is not in an area at risk from flooding. The Council's Drainage Section and Northumbrian Water have both confirmed that the drainage strategy is acceptable. The implementation of the scheme will be secured by condition.
86. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.

Planning Obligations

87. SBLP Policy H19 outlines that where a local need has been established the Council will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on allocated sites. This site is not allocated, however it is considered that the principle can be applied to windfall sites as well. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in Southern delivery area SBLP Policy H19, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. However, in this instance given the proven viability issues around the site no affordable provision was secured in the original permission. A viability appraisal has been submitted in support of this application and it is still not considered that the circumstances have changed.
88. Paragraph 72 of NPPF confirms that the Government places great importance on the availability of sufficient choice of school places to meet the needs of existing and new communities. The School Places Manager has advised the development of 19 additional houses is likely to produce 6 primary pupils and 3 secondary pupils. Whilst there are sufficient secondary places available, there are insufficient places at the nearest primary schools. It would therefore be necessary to expand the local primary schools. As such, a contribution of £87,096 is sought in this regard, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
89. In respect of open space/recreation facilities, SBLP Policies L1 and L2 set out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. The original application secured open space throughout the site including a village green in the centre of the site together with large area of open space on the northern edge of the site and through which existing public rights of way are located. These larger areas of open space included both informal and formal children's play space. It is recognised that to achieve the additional housing numbers across the site both this re-plan and others prior to it have encroached onto areas of open space reducing the overall level of provision on the site.
90. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision.
91. Play space provision was secured as part of the original consent and this was due to be delivered prior to the occupation of the 150th dwelling. Due to the location of the play space within the development site and the planned build out route it was not

feasible for Barratt to deliver the provision within these timescales. The formal play area located on the large area of open space on the northern edge of the site and through which existing public rights of way are located is on course to be completed by July 2018. The informal play space which is to be delivered within the village green in the centre of the site is due to be implemented prior to the occupation of the 136th dwelling. The specification of play space is in accordance with that secured as part of the 2012 application and conditions will be imposed to secure its delivery in addition to its future management and maintenance.

92. To mitigate the impact of an additional 19 dwellings (£43,010) and to compensate for the overall reduction in open space across the site (£23,500) a financial contribution of £68,510 would be made which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.
93. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contributions towards primary education accommodation, open space and play provision are all considered to be in accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development.

CONCLUSION

94. The principle of developing the site for residential purposes has been established through the earlier implemented planning permissions. However, as set out above the acceptability of this application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to apply to restrict development in this case and therefore planning permission should be granted unless any adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
95. The direct benefits of the proposal would be the contribution to housing supply which would assist in improving the range and choice within the local housing market. In light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
96. Whilst the proposal would result in the loss of some land designated for economic purposes, alternative uses have more recently been granted on the industrial estate. The existing noise climate is unlikely to cause a statutory nuisance and a condition can be imposed to secure appropriate noise mitigation measures.
97. Whilst there would be an overall reduction in the level of open space on site a financial sum would be secured to compensate for this. A contribution would also be secured towards improving off-site open space provision and primary education contribution.

98. The scheme would relate well to the character and appearance of the area and is considered to represent a sustainable form of development that is acceptable in all other respects. Any adverse impacts arising from the scheme would not significantly and demonstrably outweigh the recognised social and economic benefits of new housing on this established housing site.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- £87,096 towards primary education accommodation
- £68,510 for improving offsite open space and recreational provision

And subject to the following conditions;

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

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

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

Plan	Drawing No.	Date Received
Play area proposals	C-814-09 Revision A	02/03/18
Palmerstone_Front Ele		07/03/18
FOLKSTONE HOUSE TYPE	2016/FOL/C/02	01/02/18
ALDERNEY HOUSE TYPE	BALD 00CD	01/02/18
KENLEY HOUSE TYPE	2016/KNL/C/01	01/02/18
SITE LOCATION PLAN	P36	01/02/18
DERWENT HOUSE TYPE	BDER 00CD	01/02/18
MORESBY HOUSE TYPE	BMMS 00CD	01/02/18
WINDERMERE HOUSE TYPE	BWIE 00CD	01/02/18
Palmerstone classic (Mid)	01	02/03/18
Landscape plan	9778 Rev A	03/04/18
Landscape plan	9778	03/04/18
Folkestone classic (End)	01	02/03/18
Folkestone classic (Mid)	01	02/03/18
Proposed phase 6 layout	P65 Rev E	21/06/18
Proposed materials layout part 2	P66 Rev E	21/06/18
Phase 4, detailed landsape proposals Sheet 1 of 5	C-814-11 Rev D	21/06/18
Phase 4, detailed landsape proposals Sheet 2 of 5	C-814-12 Rev B	21/06/18
Phase 4, detailed landsape proposals Sheet 3 of 5	C-814-13 Rev B	21/06/18
Phase 4, detailed landsape proposals Sheet 4 of 5	C-814-14 Rev B	21/06/18
Phase 4, detailed landsape proposals Sheet 5 of 5	C-814-15 Rev C	21/06/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies, H19, T1, D1, D2, D3, D5 and D8 of the Sedgfield Borough Local Plan.

3. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - Details of methods and means of noise reduction
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - Designation, layout and design of construction access and egress points;
 - Details for the provision of directional signage (on and off site);
 - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - Routing agreements for construction traffic.
 - Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence

4. All documents submitted relating to Phase 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.
 - (a) During the implementation of the remedial works and/or development if any contamination is identified that has not been previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with the YALPAG guidance and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance the YALPAG guidance. The development shall be completed in accordance with any amended specification of works.

- (b) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategies shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. Plotworks validation certificates shall be submitted prior to occupancy.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

5. All windows to all elevations of each dwelling hereby permitted shall be installed with glazing which as a minimum must consist of double glazing units with configuration 4mm glass/6-20mm air cavity/4mm glass.

Reason: In order to ensure a reduction of 25dB(A) between external and internal noise levels and therefore ensure that prospective residents are adequately safeguarded from noise in accordance with Policy D5 of the Local Plan and Paragraph 123 of the National Planning Policy Framework.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme as shown on drawing no.s – c-814-11 rev D, c-814-12 rev B, c-814-13 rev B, c-814-1d rev B and c-814-15 rev C shall be carried out in the first available planting season following the practical completion of each related phase of the development as specified by details required in accordance with condition 3 of this permission.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies D1 and D5 of the Sedgfield Borough Local Plan.

7. The play equipment scheme shown on drg. no. 9778 Rev. A shall be implemented and made available for use by 27/07/2018.

Reason: In the interests of providing adequate play facilities for prospective residents of a major housing scheme in accordance with Policy D5 of the Sedgfield Borough Local Plan.

8. Prior to the occupation of the 136th dwelling the play equipment scheme as shown on drg. no. 9778 shall be implemented and made available for use.

Reason: In the interests of providing adequate play facilities for prospective residents of a major housing scheme in accordance with Policy D5 of the Sedgfield Borough Local Plan.

9. The long-term management and maintenance of all areas of public open space including installed play equipment shall take place in accordance with Landscape Management Plan, Amenity Open Space Areas dated 02/03/2018.

Reason: In the interests of appearance of the area in accordance with Policies D1 and D4 of the Sedgfield Borough Local Plan.

10. The development shall be carried out in line with the drainage scheme detailed in the Phase 6 Surface Water Drainage Strategy Issue no.2 dated 29/01/2018.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the principal elevation of a dwelling house, without the grant of further specific planning permission from the Local planning authority.

Reason: In order to maintain the character of the development and the open frontages which are an integral part of the scheme and to comply with Policies D1 and D5 of the Sedgfield Borough Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order the garages hereby approved shall be used for the parking of motor vehicles only and shall not be converted into habitable accommodation.

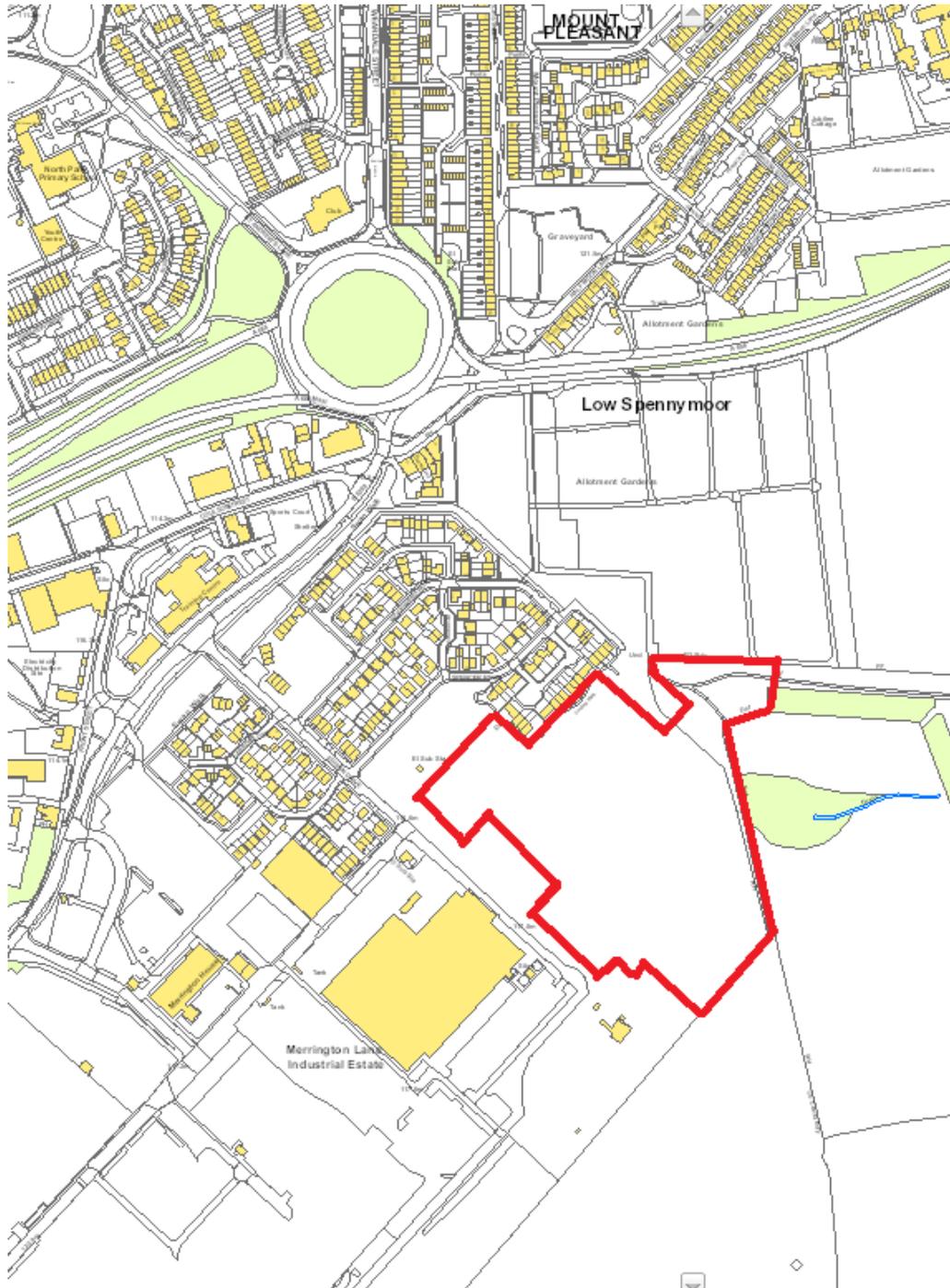
Reason: In order to ensure that adequate parking provision is provided across the site in accordance with Policy D3 of the Sedgfield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

19 additional dwellings and substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings) Barratt David Wilson North East Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor Ref: DM/18/00341/FPA

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Date
21st June 2018

Scale
Not to scale

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