



County Planning Committee

Date Tuesday 31 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 3 July 2018 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/18/01617/FPA - Market Place, South Burns, Chester-le-Street
(Pages 13 - 28)
Reopening of culverted watercourse through Chester-le-Street Market Place and creation of urban parkland at South Burns, Chester-le-Street.
 - b) DM/18/01554/FPA - Land to the west of Browney Lane, Browney, Meadowfield (Pages 29 - 42)
Additional 21 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
23 July 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

Contact: Ian Croft

Tel: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 3 July 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett, L Boyd, J Clare, D Freeman, I Jewell, L Maddison, L Pounder, G Richardson, A Shield, A Simpson and F Tinsley (Vice-Chairman)

1 Apologies for Absence

Apologies for absence were received from Councillors Hawley, Kay, Laing, Nicholson and Wilkes.

2 Substitute Members

The following Members attended as substitute Members:

- Councillor Boyd as substitute for Councillor Laing
- Councillor Pounder as substitute for Councillor Nicholson
- Councillor Bennett as substitute for Councillor Kay
- Councillor Freeman as substitute for Councillor Wilkes.

3 Declarations of Interest

Councillor Robinson informed the Committee that he had a personal interest in Agenda Item 5 a) because he had a friendship with an objector who was registered to speak. As such he proposed to consider Agenda Item 5b) first and then would withdraw from the meeting during consideration of Agenda Item 5a).

4 Minutes

The minutes of the meeting held on 5 June 2018 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

- a DM/18/00341/FPA - Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor**

The Committee considered a report of the Senior Planning Officer regarding an application for 19 additional dwellings and the substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings)

at Development Lane, former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and a view from within the development which showed a typical streetscene.

The Senior Planning Officer informed the Committee of the following updates to Conditions in the report:

- Condition 3 – a Construction Management Plan had been agreed so this Condition needed amending;
- Condition 7 – the location of the play area had moved to accommodate the drainage scheme and this would require a change to the approved plans in Condition 2.

Councillor Maddison. Local Member, informed the Committee that, while she was a Member of Spennymoor Town Council, she had not been involved in the vote when this application as considered by that Council. She would address the Committee about the application and would not vote on it.

There had been several recent applications in the area for additional properties within developments. There were now an additional 1,700 properties scheduled to be built in the Spennymoor area and this would place significant pressure on the infrastructure, for example schools and GP surgeries and there was currently a lack of industrial sites in the town.

The Senior Planning Officer replied that the application would secure a s106 contribution of £87,096 towards primary education accommodation and £68,510 for improving offsite open space and recreational provision. The NHS had been consulted on the application and had offered no comments and therefore no contribution towards health provision had been sought.

Ms A Ward, Planning Manager at Barratt Homes addressed the Committee. This development would create a distinct high quality space and this application would allow for an increased number of smaller houses, both for starter homes and as homes to downsize to. The additional 19 houses would result in the reduction of open space on the development but a s106 payment was being offered to mitigate this loss. The applicant supported the officer recommendation that the application be approved.

Councillor Shield requested the Senior Planning Officer to display the diagram showing the schematics and outline parking provision and asked how many spaces were proposed per house. The Senior Planning Office replied that the application had been assessed by highways officers and that sufficient parking was being proposed to meet the Council's specifications.

Councillor Shield, while acknowledging that the application had no objections from internal consultees, expressed concern over the parking aspect of the application, because if parking on the development was not right this could lead to neighbourhood disputes.

J McGargill, Highway Development Manager replied that the application met the Council's minimum parking standards per unit and also proposed visitor parking spaces. There were 17 additional spaces proposed over and above the Council's minimum standards.

Councillor Clare referred to paragraphs 89 and 90 of the report regarding the loss of open space and asked how much this loss was in absolute terms. The applicant had stated that the proposed additional 19 houses was a response to market needs and Councillor Clare asked whether, if the Council applied the Strategic Housing Market Assessment to the proposal, it would say that the 19 extra houses were appropriate to the market.

The Senior Planning Officer replied that there had been a number of re-plans on this site overall which had resulted in a collective loss of open space of some 1,700 m² and a s106 payment was proposed to mitigate the impact of this. However, significant areas of green space remained on the development. There was no policy on housing mix but the range of properties proposed on the development was an acceptable mix.

Councillor Richardson commented that the application was for 2 bedrooled starter homes and asked that developers made these properties larger than they currently were because smaller houses had an impact on family harmony.

Councillor Jewell informed the Committee that he had listened to the debate about the application. While he agreed that increased numbers of houses would increase pressure on the infrastructure in the area, there would also be an opportunity to develop amenities because developments tended to be led by population numbers. Therefore, development should be seen as an opportunity as well as a threat. Councillor Jewell **moved** the recommendation in the report.

Councillor Tinsley considered it appropriate to comment on the issue raised by Councillor Richardson regarding house sizes. The average house size of new build properties in the UK was 76 m² compared to 87 m² in Ireland, 109 m² in Germany and 115 m² in Holland.

Councillor Clare informed the Committee that he had a lot of sympathy with the issue of house size raised by Councillors Richardson and Tinsley and hoped that the housing provider would give this due consideration. The open space provision met the Council's Open Space Needs Assessment and proposed parking provision met the Council's minimum parking standards. Councillor Clare **seconded** approval of the application.

Resolved:

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 the Conditions contained in the report, as amended.

Councillor Robinson vacated the Chair and left the meeting.

Councillor F Tinsley in the Chair

b DM/18/00894/FPA - Former Millburngate House, Framwellgate Waterside, Durham, DH1 5TL

The Committee considered a report of the Principal Planning Officer regarding an application for a 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 at the former Milburngate House, Framwellgate Waterside, Durham City (for copy see file of Minutes).

H Jones, Principal Planning Officer gave a detailed presentation of the application which included an site location plan, aerial image of the site, the context of the application, site layout plan for the Block 1a building, level 2 floorplan, level 3 floorplan, example of the hotel floorplan, proposed north and south elevations and approved and revised views from Castle Chare and Milburngate Bridge from Claypath (for copy see file of Minutes).

Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Principal Planning Officer informed the Committee of the following updates:

- Condition 3 - an existing section plan incorrectly identified as an approved plan should be omitted. Two versions of a schedule of development document were listed, with only the revised version being necessary
- Condition 23 - This condition could be omitted because the schedule of development document was already being approved via Condition 3.

Councillor G Holland addressed the Committee on behalf of the City of Durham Parish Council which had some concerns about the application.

Councillor Holland informed the Committee that he had been a member of the County Planning Committee in 2015 when outline plans to redevelop this area were approved. At that time there were high hopes that the replacement of a monolithic, slab-like building that had stood on the site since 1965 would be an improvement.

Above all the Committee welcomed the introduction of 441 residential apartments which it believed were vital to the future of the city. Much of the family housing in the City had been consumed by student accommodation and this debilitating process was gathering momentum.

While the officer's report was well written and clear, there were three points of serious concern.

The first was the reduction of at least 38 in the number of apartments. Since the application was plainly rethinking a scheme MGH Card LLP inherited from Carillon, they should find space elsewhere on the site to make up this loss.

The second was that the roofscape of the proposed hotel did not accord with, nor did it respect, the backdrop of Highgate and the emerging commercial development opposite on the other side of the A690.

Both of these developments were sympathetic to the architectural style predominant in the city and it was not too late to adjust the roofline of this new hotel to complement what was already there so that it enhanced the City's townscape rather than detract from it.

The City of Durham Parish Council urged the Committee to look at this very carefully and to not accept the minimalist design proposed and recommended for approval and asked that further advice be sought from the International Council on Monuments and Sites on this matter.

The third concern was one of road safety. Within the application was an extraordinary proposal to create a servicing layby alongside Framwellgate Peth and adjacent to the traffic lights. Throughout the day the Peth was very busy with streams of traffic cascading down from the County Hall roundabout to join the A690 at Milburngate Bridge where it merged with traffic from two other sources. Any interruption with that constant flow immediately caused a traffic back up which then diverted down North Road past Wharton Park or even down Western Hill, a narrow suburban road unfit for such a purpose.

Traffic engineers knew that traffic movements in this focal point at Milburngate Bridge were very sensitive to any interruption. This is why Sidegate, which once opened on to the Peth, was closed off a few years ago.

The proposed lay-by would be a significant interruption and potential hazard and must not be allowed to happen. An alternative loading arrangement should be found. Paragraphs 89, 133 to 136 provided no reassurance. The arrangement proposed was probably just the most convenient one for the proposed hotel even though it was inconvenient to everyone else. The Parish Council was asking the Committee to recommend that an alternative scheme be identified, for example by using Framwellgate Waterside as the access point, or by some other means.

The Parish Council urged the Committee to defer a decision on the application so that the proposal could be modified in consultation with the officers to overcome these 3 deficiencies. This was an application that would affect the future wellbeing of Durham City for the next 50 years or more and it was essential to get it right.

Eileen Grime, local resident addressed the Committee to express the concerns and objections of local people and residents of Durham City

There were a number of issues and concerns regarding this development, and Mrs Grimes focussed on three main areas.

The height of the proposed development. This development was given permission to fit in with the local landscape of Durham City, with consideration for massing roofscapes. Consideration was given to height and mass and on the advice from English Heritage changes were made to the designs to accommodate the views from the train. Further changes were now being proposed which did not fit with the design brief, regarding roofscapes and views previously adhered to. The report of the planning officer at paragraph 124 stated the concerns from Historic England that the City may end up with a monolithic box and standardised in appearance, with a flat roof which the applicant had claimed needed to be in place to accommodate the plant for the hotel.

The proposed building, with its illuminated sign, would become the focal point for Durham City, not the Cathedral and the World Heritage Site. Walking from the train station all that would be seen was a large mass of building. The building and structure would have a further detrimental effect on views and the ethos of the city.

When the developer went to initial public consultation, a hotel was part of the proposal. When this was queried it was stated that there were not sufficient beds within the city. At that time Ramside Hall Hotel was in the process of expanding, adding more rooms. However this was stated not to be in the city. However, the report submitted to members now said that hotels in Pity Me and Belmont were included in the capacity for the city.

Since that time Hotel Indigo had opened in the city and local hotels were not operating at capacity, with some hotels offering discounted deals to fill their rooms

At further consultations it was said that a hotel was not viable and that planning permission would be for apartments to support residents into the City. This fitted with planning policy, transport viability and the views and wishes of the local community. Planning permission was granted by the County Planning committee in good faith that those apartments would be developed, to support residents' wishes for more housing within Durham and to counteract the increase in student population.

This application now sacrificed a number of the proposed apartments for a hotel to be developed, with proposals for further apartments to be sacrificed to office accommodation, and no doubt other variations would follow.

The developer had a history of obtaining planning permissions and then asking for variations to fit in with their financial viability. At Durham Gate spaces were identified within the original planning permission for shops, hotel and children nursery, yet these had not been built. Instead a variation was sought to change this to more houses to increase profit.

In Durham it appeared that offices and hotels were more profitable than apartments, and the residents and people of Durham were but a means to an end.

In conjunction with the hotel the applicant was also requesting access from Milburngate Bridge for a lay by. The Council's highways officers and the police both initially raised concerns and these were reflective of some of the concerns of

residents. Traffic would approach from Framwellgate Peth and from the North Road direction. This was a main arterial road through the city and congestion would have a significant impact on traffic flow. Deliveries would be made at the busiest of times, and the impact of entrance and egress would be significant. Other companies and businesses within this area were able to service their business needs from the waterside access and therefore this business should be able to.

Mrs Grimes asked how the proposed layby would be policed and managed and how would its use by the public for dropping off and picking up be managed as this would happen.

In conclusion, this developer was at best manipulating the planning process and the council's planning systems. At worst this was an abuse of the committee, its officers and members.

Mrs Grimes thanked the committee for their time and hoped it would give the issues she had raised consideration when making a decision.

Ian Beaumont of MGH Card LLP addressed the Committee. He informed the Committee that he was Project Director for Milburngate.

The joint venture developing Milburngate had been delivering projects in the City over the past 5 years, including the development at Freeman's Reach which was in keeping with its historic surroundings.

The proposed development would assist in the delivery of £160m additional inward investment in the area as part of the wider Milburngate scheme, which would enhance both living and working conditions in the City.

The development would 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 was nearest Milburngate Bridge.

The proposed hotel would be a contemporary hotel in the Whitbread portfolio and the Milburngate site had already attracted Everyman Cinema, Pitcher and Piano and Bar and Block, all of whom were high calibre operators.

The Milburngate site would increase the appeal of the City centre to the wider region and beyond and the proposed hotel would increase the tourist interest in Durham. There were 1.43 million overnight stays in Durham in 2014 and additional bed spaces would result in increased visitors to the city with their associated increased spend.

The site was in a sustainable location and the design of the proposed hotel was consistent with the style of regeneration and the mass, height and design of the proposed hotel were in line with the previously granted planning permission

Up to 75 jobs were associated with the hotel and commercial floorspace with 24 additional to the existing permission. There were also 80 direct and 121 indirect jobs proposed during the construction period.

The Principal Planning Officer responded to some of the comments made. This was a suitable city centre location for a hotel use and the application had strong support from VisitDurham and Business Durham. Historic England had stated that the hotel could have been a monolithic building if the design had not been right, but this had been avoided by the developer by its design. Concerns had been expressed that this would be a concrete building with grey tones but it would actually have brick elevations with metal cladding. The Principal Planning Officer then sought comment of the highways officer on the proposed layby.

J McGargill, Highway Development Manager informed the Committee that the proposed layby would be for servicing provision to the hotel and would be surrounded by a pedestrian guardrail. There would be a locked gate in the guardrail and a management scheme in place to regulate when the layby could be accessed. This would not be a layby for use by general traffic or taxis. While concerns about the volume of traffic already at this location were recognised there was already a layby on the east side of the bridge which was used as a bus stop. Accident records at the location, which recorded 40,000 vehicle movement per day, were fairly low. Although the provision of a layby would be difficult, it had been done on the east side of the bridge.

Councillor Jewell referred to the highways theme and informed the Committee that on the site visit the previous day he had concerns about the length and layout of the proposed layby and the length of the vehicles which would use it which could cause problems. At paragraph 89 of the report the Durham Constabulary Architectural Liaison Officer had expressed concern whether the proposed servicing bay could safely operate and be managed. Service bays were normally tucked away and out of sight.

Councillor Shield also referred to the proposed layby. He asked what the length of the proposed layby would be, what size of vehicles would use it, what might happen if two vehicles arrived at the same time and how long it would take for vehicles to unload. Any vehicles using the layby would need to exit onto a very busy road and merge into very narrow lanes.

The Highway Development Manager informed the Committee that consultants had mapped a 14.6 metre long vehicle entering and leaving the proposed layby. There had been initial concerns about the layby design being too short but the design had been changed to allow vehicles to straighten. There would be a traffic regulation order placed on the layby to designate it as a loading only bay. A management plan needed to be agreed with the operator to ensure two vehicles did not arrive at the layby at the same time. The layby would be sited near to the traffic signal junction which would ensure that there would be gaps in the traffic flow for traffic to emerge from the layby. The management plan would also stipulate when vehicles could use the layby which would prevent usage at peak times or peak traffic flow times.

Councillor Shield informed the Committee that his serious concerns about the proposed layby remained. Most HGV's which would access the layby would have travelled on the A1(M) and would access the City via the A690. This would then

necessitate them travelling all the way around Milburngate roundabout to access the layby. The use of a traffic regulation order would not be a deterrent to others trying to use the layby.

Councillor A Bell, while being supportive of a new hotel for Durham, considered that the proposed design and shape of the building, particularly the flat roof, was a throwback to the 1970's. Durham deserved something more than this.

Councillor Freeman, local Member, considered the design of the proposed hotel to be very disappointing which would have an effect of the views of the World Heritage Site. The proposed building was a box and a better design could be achieved. The development at Freemans Reach had sloping rooflines and was more in fitting with the Durham roofscape.

The site of the proposed hotel had been previously approved for residential accommodation and this would have led to an increased residential balance within the City. The City needed more residential accommodation and it was debatable whether it needed another hotel. Councillor Freeman also had great concerns about the highways proposals from the application which he considered did not comply with Policy T1 of the City of Durham Local Plan.

Councillor Shield informed the Committee that he had been unable to attend the site visit the previous day. He considered that the design of the proposed hotel had a bland monolithic appearance which would not blend in with the roofscape of the City. Durham was a market town and the design of the hotel had lost this aspect, the hotel could be anywhere in the UK. The Committee had a responsibility to future generations of Durham and Councillor Shield **moved** deferment of the application.

Councillor Clare informed the Committee that he did not consider the housing argument put forward by Councillor Freeman as being viable. Although it may be preferable to have residential development on the site, this was not for the Committee to decide and there was no question from the highways officer that the proposed layby could be safely operated.

Councillor Clare considered that the design of the proposal was disappointing. For decades Durham City had been stuck with the design of Milburngate House. The proposed hotel would be operating with a loading area and service area at street level on Milburngate Bridge which was a main road through Durham City and would turn Milburngate into a back street for deliveries. Pedestrians approaching the hotel from the railways station would have a first view of delivery lorries to the hotel and the tradesmen's entrance. This significantly detracted from and did not enhance the character of the conservation area and Councillor Clare **moved** refusal of the application on this basis.

Milburngate House was built some 50 to 60 years ago and this was an opportunity to now build something of quality on the site. The Committee should demand something of quality which would enhanced the character of the conservation area.

D Taylor, Legal Manager, Property, Planning and Project Management informed the Committee that it had a duty to consider the desirability of enhancing the conservation area. While Historic England and officers did not consider that the development would detract from the conservation area the Committee appeared to be adopting a different view and that the design of the hotel could be enhanced.

Councillor Boyd informed the Committee that she had a number of concerns regarding the design of the building and traffic issues. This was a valuable site within Durham City and it was important to get any development of it right. Councillor Boyd **seconded** deferment of the application as moved by Councillor Shield.

Councillor Freeman **seconded** refusal of the application on the basis that the applicant would not reconsider the application. The application could be refused under NPPF Part 7 in that it was not a good design, Policy E6 because it was not sympathetic to the traditional character of the conservation area, Policy H13 because it would have a significant adverse effect on residential areas and Policy T1 because it would be detrimental to highway safety.

Councillor Tinsley asked the applicant whether, if the Committee was to defer the application, they would enter negotiations and discussions regarding highways matters, the proposed layby design and the design of the proposed hotel.

Mr Beaumont replied that if the Committee was to defer the application then the applicant would be willing to enter negotiations and discussions regarding highways matters, the proposed layby design and the design of the proposed hotel.

Councillor Clare informed the Committee that it would be better for the applicant to further discuss the application and resubmit it than to refuse the application and withdrew his motion for refusal. Councillor Freeman added that if the applicant was to re-submit a similar application then they should be aware of the views of the Committee.

Councillor Tinsley informed the Committee that any significant alteration to the application would require further public consultation.

Upon a vote being taken it was

Resolved:

That the application be deferred to allow negotiations and discussions regarding highways matters, the proposed layby design and the design of the proposed hotel.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01617/FPA
FULL APPLICATION DESCRIPTION:	Reopening of culverted watercourse through Chester-le-Street Market Place and creation of urban parkland at South Burns, Chester-le-Street
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Market Place South Burns Chester-le-Street
ELECTORAL DIVISION:	Chester-Le-Street North
CASE OFFICER:	Chris Shields, Senior Planning Officer 03000 261 384 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site follows the path of the Chester Burn through Chester-Le-Street Town Centre from Menceforth Cottages in the west to the mouth of the culvert between Poplar Terrace and Cone Terrace. The existing culvert begins at the immediate west of the viaduct, travelling east past Tesco, underneath the market place, 'red carpet' adjacent to the war memorial, Newcastle Road and car parking areas before opening out to the south of Poplar Terrace.
2. The nearest residential properties to the proposed development areas are Menceforth Cottages 10m to the south, North Burns 20m to the north, River Terrace, Poplar Terrace and Hopgarth Gardens approximately 10m to the north and Cone Terrace 10m to the south.
3. The application site is located entirely within the Chester-le-Street conservation area. There are 5 listed buildings within close proximity to the site, these are the Grade II railway viaduct over Chester Burn, which oversails the culvert entrance, the Grade II Brewery House 30m to the south west of the Market Place, the Grade II Queens Head Hotel and the Grade II United Reformed Church approximately 250m to the south of the Market Place and the Grade I Church of St Mary and St Cuthbert approximately 350m to the south east of the Market Place. The Concangium Roman Fort scheduled monument covers an area surrounding the Church of St Mary and St Cuthbert.
4. The nearest public rights of way (PRoW) to the site are Footpath No's 8 and 14 (Chester-le-Street Parish) to the immediate south of the culvert exit, Bridleway No. 9

(Chester-le-Street Parish) to the immediate north of the culvert exit and Footpath No. 33 (Chester-le-Street Parish) approximately 40m to the north of the culvert entrance.

5. The parts of the site to be developed are located within Coalfield Development Low Risk areas, although there are bands of High Risk crossing the site. The western end of the site close to Menceforth Cottages is within Whitehill Hall Woods Local Wildlife Site (LWS). There are no other ecological or landscape designations within, or in close proximity to the site.

The Proposal

6. The application is seeking approval to undertake a Flood Alleviation Scheme along the Cong Burn corridor to address the historical and problematic flooding events that have impacted on residential and commercial properties in this area of Chester le Street.
7. To deliver the scheme it is necessary to relocate the existing market and open the area to reveal the culverted watercourse, the Cong Burn. The Cong Burn was enclosed in a culvert in the 1930's as there was concerns over the health implications of the "rancid" waters of the river. There were a number of industries upstream that used to discharge effluent into the water. These industries have since disappeared and the Cong Burn is now a clean watercourse that can sustain aquatic life, and there are benefits in removing the culvert lid. Not just from a flood risk perspective but also from creation of a biodiverse environment that can provide for, fish, insects, birds and larger mammals.
8. The proposed development is split into five site areas. Site 1 is located at the immediate north and west of Menceforth Cottages and would involve the creation of a 10m extension to the existing floodwall and new earth bund measuring 80m in length. Site 2 is the area between Menceforth Cottages and the railway viaduct and would involve the installation of a new floodwall. Site 3 is located around the existing culvert headwall and proposes the installation of an 11m long retaining wall with a height of 2m on between the culvert and the highway. There would also be a 0.6m high earth bund across the culvert to retain any water from overtopping the culvert. Site 4 is where the largest physical change would occur with the existing market place being relocated to Front Street in order to allow the culvert to be reopened with the resultant creation of a river feature with new hard and soft landscaping. The reopened river would be bounded by dwarf walls and fencing to prevent access. Site 5 is located close to Cone Terrace and would involve relocating an existing sewer out of the culvert, as the hydraulic modelling has identified this as being significant risk to water flowing through the culvert. The construction works at the site would last for approximately 12 months.
9. As part of the reopening of the culvert the existing red carpet area adjacent to the war memorial would be repaved and improvements made to the Front Street area, by decluttering the street scene, widening the footpaths and modifying the bus turning circle. This would facilitate the relocation of market to Front Street and would be a move away from fixed market stalls, which sterilise an area when not in use.
10. This planning application is being reported to County Planning Committee because it is a major development.

PLANNING HISTORY

11. Planning Permission was granted in 2006 for the repaving of the Market Place with the erection of a new site office, new access point and installation of public realm artwork.

PLANNING POLICY

NATIONAL POLICY

12. 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’.
13. 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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. *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, minimizing 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.
20. *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.

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

21. 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; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The Chester-le-Street District Local Plan (2003) (CDLP)

22. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
23. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
24. *Policy T17 – General Transport Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.

RELEVANT EMERGING POLICY:

The County Durham Plan

25. 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.

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/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Chester le Street Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Highway Authority* – Raise no objections.
27. *Northumbrian Water* – Raises no objections to the proposal.
28. *Environment Agency* - Raise no objections to the proposal subject to conditions relating to the design of the river restoration and protection of migratory fish. Advice is also provided in relation to biosecurity, flood risk and permitting.
29. *Drainage and Coastal Protection* – Raise no objection to the proposal in respect of flood risk and surface water management noting that the proposed hydraulic design has been carried out and approved in accordance with the Councils audit process.

INTERNAL CONSULTEE RESPONSES:

30. *Spatial Policy* – Raise no objections to the proposal. Officers have stated that there are no saved principle policies in the Chester-le-Street District Local Plan that are relevant to this proposal and it should therefore be determined in accordance with the NPPF.
31. *Design and Conservation* – Raise no objections to the proposals, stating that the proposals would enhance the significance of the conservation area and also the aesthetics and usability of the area in and around the market place. Officers have requested a condition to agree precise details of materials and finishes.
32. *Landscape* – Raise no objections and state that the planting details proposed are satisfactory. Officers have requested that the tree protection measures contained in the tree assessment are to be conditioned.
33. *Landscape (Arboriculture)* – Raise no objections. Officers note that there would be some tree loss but the proposal is generally acceptable provided that the tree protection measures are employed.
34. *Ecology* – Raise no objection to the proposal considering that is likely to enhance biodiversity on the site and result in ecological net gain. A planning condition is requested requiring the works to be undertaken in accordance with the supplied Biodiversity Mitigation and Management Strategy
35. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a verification report upon completion of the development.

36. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. A planning condition is requested to agree a construction management plan prior to the commencement of development
37. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Officers provided advice in relation to upper limits for annual average vehicle movements on the B613 between Glen Terrace and Menceforth Cottages and advise that preference should be given towards the use of plant and machinery with low or zero emissions.

PUBLIC RESPONSES:

38. The application was advertised within the press, on site and letters were sent to neighbouring properties. One letter has been received in support of the application from a member of the public.
39. The letter of support states that this is an excellent proposal that would reduce the flooding potential but also improve the quality of the town centre. The plans are very detailed and easily understood. It is further considered that the proposal covers the whole risk area of Menceforth Cottages to the culvert exit. Details such as the removal of the drain that crosses the culvert outlet (which reduces flow) demonstrate the all-encompassing nature of the proposal.

APPLICANTS STATEMENT:

40. The scheme at Chester Le Street Market Place which includes a de-culverting, hard and soft landscaping and diversion of pipe work has been developed to address repeated and severe flooding incidents from the Cong Burn, which is a main river in Chester Le Street.
41. The location and design of the de-culverting has been carefully considered and must be located in an area of the existing marketplace to have maximum benefit in regards to flood risk reduction.
42. This scheme will protect against flooding for storms classified up to 1 in 100 year events. The works will be provide increased capacity in the Cong Burn and additional storage for extreme flooding events.
43. As part of the consultation process Durham County Council (DCC) have addressed concerns raised during the consultation process. These can be summarised as follows:
 - Relocation of the market – retaining sufficient space for the regular market and identifying additional areas for larger events.
 - Highways - taking on board comments from officers as to the design of the scheme.
 - Ecology - introducing a wider range of species in de-culverted watercourse.
 - Surface Water - producing a detailed Flood Risk Assessment, Flood computer modelling and providing appropriate mitigation for changes to surface water flow paths.
44. In addition, appropriate measures will be taken during the construction phase of work to protect landowners and near neighbours of the site. These measures will include appropriate screening on the site boundary, a managed site controlling traffic and noise with dust suppression measures as required. In this regard a Transport Plan has been prepared.

45. DCC has noted the concerns of local residents and customers and has sought to address these concerns prior to and during the planning process. Officers have met with local residents, business owners and their representatives on a number of occasions and will continue to liaise closely with all stakeholders and near neighbours of the site to minimise disruption.
46. DCC as Lead Local Flood Authority work closely with other risk management authorities such as Northumbrian Water and the Environment Agency to manage and reduce flood risk. DCC have engaged pro-actively with other risk management authorities, land owner, near neighbours of the site and stakeholders to develop this robust solution and has demonstrated that this scheme meets all planning requirements.

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

47. 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, landscape impact, residential amenity, highway safety and access, flood risk and drainage, ecology, heritage and other matters.

The Principle of the Development

48. The principle of reopening a culvert, landscaping the created river banks and relocating the market place is not covered in whole or in part by saved policies contained within the CDLP and therefore the local plan is silent in relation the principle of the development. Therefore, the acceptability of the development largely rests on the NPPF Paragraph 14 tests. 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.

Landscape Impact

49. Parts 7 and 11 of the NPPF seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 58 of the NPPF 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.
50. The proposed development would create an attractive river feature in place of the existing market place. The market place is currently fitted with fixed stalls that prevent any alternative use occurring and at times when the market is not in use the area is desolate.

51. The existing trees (London Planes) on the northern and southern edges of the market place would all be retained in the proposed scheme and supported by 6 additional trees, amenity grassland, planting beds and wildflower meadow.
52. The proposed development would provide a refreshing break in the expanse of hard standing in this part of Chester-le-Street. The proposal is considered to be an improvement to the streetscape and is supported by the Councils Landscape team. It is therefore considered that the proposal would accord with Parts 7 and 11 of the NPPF.

Residential Amenity

53. Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
54. The nearest residential properties to the proposed development areas are Menceforth Cottages 10m to the south, North Burns 20m to the north, River Terrace, Poplar Terrace and Hopgarth Gardens approximately 10m to the north and Cone Terrace 10m to the south.
55. The development works would be completed over a period of approximately 12 months. The most disruptive works would be the reopening of the culvert, however, this is also the furthest point from residential properties. In terms of air quality, limits were provided by the Environmental Health and Consumer Protection Team for the B613 between Glen Terrace and Menceforth Cottages, however, this is not the designated route for construction vehicles and there is not an issue.
56. The Council's Environmental Health and Consumer Protection Team has advised that whilst they have no objections to the proposal, the development should be carried out in accordance with a construction management plan to be agreed through condition. Subject to adherence to an approved construction management plan, it is considered that the proposals would accord with Parts 8 and 11 of the NPPF, and would not have significant adverse impacts upon residential amenity during the construction period or thereafter.

Highway Safety and Access

57. CDLP Policy T15 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. CDLP Policies T17 and T6 seek to ensure that safe, attractive and convenient footpath links are provided, and where appropriate, to serve new development and provide access to public transport. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application, except for Policy T15 which uses out of date guidance and so is only partially compliant. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

58. The application is accompanied by a Transport Statement (TS) which seeks to inform on and assess the key highways related implications of the development. The TS advises that major highway disruption is not envisaged with impact on traffic flows managed and minimised for the duration of construction works. The existing footpaths would be kept open as often as practicable and bus stops would be maintained, or temporarily relocated. Construction traffic would access the site via the A167 and B6313 during the construction works that would last approximately 12 months.
59. The proposed works to the existing market place, flood walls and the relocation of the market place to Front Street would not lead to a severe impact in the context of Part 4 of the NPPF. Highway Officers have raised no objections and it is therefore considered that proposals would comply with CDLP Policies T15 and T17 and would not conflict with Policy T6.

Flood Risk and Drainage

60. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
61. A Flood Zone 3 area comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). The more vulnerable uses and essential infrastructure should only be permitted in this zone if the Exception Test is passed. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
62. The application accompanied by a Flood Risk Assessment (FRA) which identified that the application site is located entirely within flood zones 2 and 3 and is therefore on land most likely to suffer from tidal or fluvial flooding. The site is not considered to be in an area of functional Floodplain, which means it is not required to allow water to flow or be stored in times of flood. Any development within this Zone must be designed to mitigate flooding from the identified risk. A full hydraulic study has been undertaken as part of the design process in developing the scheme. The FRA concludes that the finished flood mitigation scheme would deliver flood protection for up to 1 in 100 year flood events.
63. The primary purpose of the proposed development is alleviate flooding within Chester-le-Street with the secondary objective of improving the townscape. The Council's Drainage and Coastal Protection Team, Northumbrian Water and the Environment Agency have all been involved in the design and delivery of the proposal. These consultees have assessed the submitted FRA and found it to be acceptable. The development is therefore considered to accord with the objectives set out in Part 10 of the NPPF.

Ecology

64. The western end of the site close to Menceforth Cottages is within Whitehill Hall Woods Local Wildlife Site (LWS). There are no other ecological or landscape designations within, or in close proximity to the site. Part 11 of the NPPF seeks to ensure that

developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

65. An ecology report including phase 1 habitat assessment and bat survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report concludes that the proposals are likely to result in a net gain in biodiversity, once completed and established.
66. The proposals have been considered by the Council's Ecologist who raises no objection to the proposal considering that it is likely to enhance biodiversity on the site and result in ecological net gain. Works within the stream are to follow industry best practice which should minimise negative impacts downstream of the site. The Council's Ecologist advises that the submitted Bat Report ecology confirms the culvert has negligible suitability for bats and no further surveys are required. If the application is approved please attach a condition requiring the works to be undertaken in accordance with the supplied Biodiversity Mitigation and Management Strategy
67. The Environment Agency raises no objections to the proposal subject to conditions relating to the design of the river restoration and protection of migratory fish.
68. Having regard to the proposed mitigation measures it is considered that the proposal would lead to an overall enhancement in biodiversity in accordance with the aims of Paragraph 118 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

Heritage

69. The application site is contained entirely within the Chester-le-Street conservation area and is in close proximity to 5 listed buildings including the Grade I Church of St Mary and St Cuthbert approximately 350m to the south east of the Market Place. In addition, the Conangium Roman Fort scheduled monument covers an area surrounding the Church of St Mary and St Cuthbert.
70. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
71. Design and Conservation officers raise no objections to the proposals stating that the revisions to the floodwalls and other defences would preserve the character and appearance of the conservation area. Officers consider that the proposal to reopen the culvert through the market place would enhance the significance of the conservation area whilst also improving the aesthetics and usability of the area. There would be no harm to the significance of the listed buildings and scheduled monument in proximity to the site.
72. Paragraph 134 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the

determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no harm upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 12 of the NPPF.

Other Matters

73. A contaminated land assessment has been provided as part of the application which identifies works to be carried out during construction. Contaminated Land officers have considered the assessment and found it to be acceptable. A condition requiring validation of the results would be necessary to ensure the works are completed successfully across the development. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.
74. The parts of the site to be developed are located within Coalfield Development Low Risk areas, although there are bands of High Risk crossing the site. If the proposal is granted planning permission, it will be necessary to include The Coal Authority's Informative Note within the decision notice as an informative note to the applicant in the interests of public health and safety. The proposal would therefore not conflict with Part 11 of the NPPF.
75. There are PRow close to the site. Footpath No's 8 and 14 (Chester-le-Street Parish) are to the immediate south of the culvert exit, Bridleway No. 9 (Chester-le-Street Parish) is to the immediate north of the culvert exit and Footpath No. 33 (Chester-le-Street Parish) is approximately 40m to the north of the culvert entrance. Footpaths 8, 14 and 33 would not be affected by the proposals. However, there would be the need for a trench to be dug across Bridleway No.9, which would affect its use for around two weeks, with any impacts being appropriately managed. Given the limited overall impact on the PRow network, the proposals would not therefore conflict with Part 11 of the NPPF in respect of access and rights of way.

Planning Balance

76. The CDLP is silent in respect of the proposed development and therefore the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF.

Benefits

77. The development would alleviate flood risk from a town centre that has experienced recent significant flood events. The development would also revitalise and improve the aesthetic appearance of the town centre with the creation of an open river feature. The reopening and widening of the river channel coupled with the creation of wildflower meadow would deliver biodiversity improvements to a relatively barren site.

Adverse Impacts

78. During the construction period there may be minor localised impacts but a construction management plan would be required through condition. Overall, it is considered that there would be no adverse impacts arising from the proposals.

CONCLUSION

79. The proposed development would deliver necessary flood management to Chester-le-Street town centre through a combination of additional and improved defences and also by creating significant additional capacity within the Chester Burn watercourse. A further benefit of the proposal is the creation of an attractive river feature on the site of the existing market place with associated improvements to the hard and soft landscaping in this area.
80. Whilst it could be considered that the loss of the existing market place is a negative impact there have been no objections received to indicate that this is the case. In addition, provision would be made through this scheme to relocate the market place to a new site on Front Street. There have no objections to the proposal and one letter of support has been received highlighting the benefits of the proposals.
81. Notwithstanding this, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF given the absence of relevant saved CDLP policies. In the absence of any specific policies that indicate development should be restricted, Paragraph 14 sets out that the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
82. As set out above, the proposed development would not result in any adverse impacts, and therefore the test of whether any impacts “significantly or demonstrably” outweigh the substantial benefits identified above does not need to be applied. As a result, the presumption in favour of granting planning permission in accordance with Paragraph 14 prevails.

RECOMMENDATION

That the application is **APPROVED** 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 in shall be carried out in strict accordance with the following approved plans and documents:
 - Jacobs (16th May 2018) Chester-le-Street De-Culverting Works, Durham County Council, Geoenvironmental Assessment
 - Tree Assessment dated 6 June 2018
 - Biodiversity Mitigation and Management Strategy
 - Drawing No. 1365867-G-002 – Site 1 Proposed General Arrangement
 - Drawing No. 1365867-S-001 – Site 1 Floodwall Plan and Cross Sections
 - Drawing No. 1365867-S-003 – Site 1 Floodwall Modifications – Section Details
 - Drawing No. 1365867-2-G-002 – Site 2 Proposed General Arrangement
 - Drawing No. 1365867-2-S-001 – Site 2 Floodwall Long Section
 - Drawing No. 1365867-3-G-002 – Site 3 Proposed General Arrangement
 - Drawing No. 1365867-3-S-001 – Site 3 Floodwall Extension – Plan and Sections
 - Drawing No. 1365867-4-G-002 – Site 4 Proposed General Arrangement
 - Drawing No. 1365867-P-018 – Site 5 General Arrangement

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 11 and 12 of the National Planning Policy Framework.

3. Prior to the commencement of development full details of materials and finishes including fencing shall be submitted to the Local Planning Authority for agreement in writing. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development hereby approved is of a high standard that integrates with the Chester-le-Street conservation area in accordance with Part 12 of the National Planning Policy Framework. Required to be pre-commencement in order to ensure that the materials are of a suitable standard.

4. Any works permitted by this permission that has the potential obstruct migratory fish passage should be avoided, or if work is to be carried out inside the sensitive time for migratory fish an agreed working method statement must be produced to demonstrate how fish passage will be maintained at all times.

Reason: To avoid disturbance to migratory fish whilst moving to their spawning grounds. If work is carried out inside this window or fish passage is not maintained as described in the agreed working method statement there is a risk of committing an offence under the Salmon and Freshwater Fisheries Act 1975 and conflicting with the objectives of Part 11 of the National Planning Policy Framework.

5. The development hereby approved shall be carried out in full accordance with the tree protection measures details in the Tree Assessment.

Reason: To ensure that trees are protected from damage for the duration of construction works in accordance with Part 11 of the National Planning Policy Framework.

6. No development shall commence until a Construction Management Plan covering that phase 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(s) 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.

7. During the implementation of the remedial works, if any contamination is identified that has not been identified pre-commencement, 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 with the YALPAG guidance. The works shall be completed in accordance with any amended specification of works. 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 Jacobs (16th May 2018) Chester-le-Street De-Culverting Works, Durham County Council, Geoenvironmental Assessment shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the works.

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 Part 11 of the National Planning Policy Framework.

8. Prior to the commencement of development a scheme detailing the river restoration shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide detail in relation to design, hydromorphology and monitoring. The development shall thereafter be carried out in accordance with the approved details.

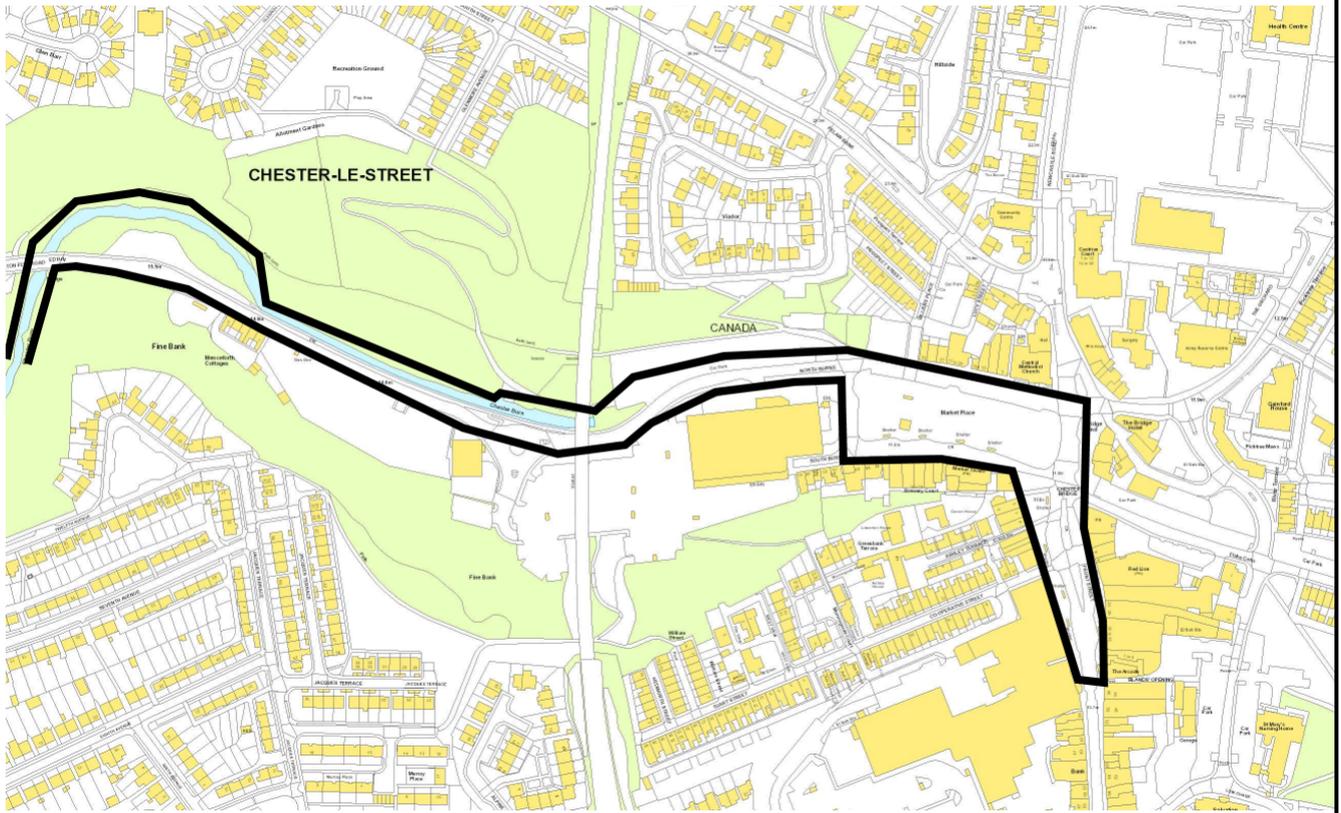
Reason: Necessary to ensure that the proposed river restoration is developed in a way that contributes to the nature conservation value and fisheries value of the site in accordance with Part 11 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support 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. (Statement in accordance with Article 35(2) (CC) 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
- Chester le Street District Local Plan
- Statutory, internal and public consultation responses



Planning Services

DM/18/01617/FPA

Reopening of culverted watercourse through Chester-le-Street Market Place and creation of urban parkland at South Burns, Chester-le-Street

This map is based upon Ordnance Survey material with the permission Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date July 2018

Scale
Not to scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01554/FPA
FULL APPLICATION DESCRIPTION:	Additional 21 dwellings
NAME OF APPLICANT:	Avant Homes
ADDRESS:	Land to the west of Browney Lane, Browney, Meadowfield
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is located adjacent to the residential area of Browney which adjoins a group of settlements including Brandon, Meadowfield and Langley Moor. Within this group Browney is identified as a small village in its own right with a primary school. The application site however, lies just outside of the Brandon, Brandon Village, Meadowfield and Langley Moor settlement boundary as identified in the City of Durham Local Plan and is therefore technically classed as being in the countryside.
2. The site, which is approximately four kilometres from the centre of Durham City, is part of a larger site which has recently been granted planning permission for 271 houses, this development is well underway and a significant number are now occupied.

Proposal:

3. This application proposes an additional 21 dwellings on the site by replacing 50 of the approved plots with 71 smaller 2, 3 and 4 bed roomed dwellings. The overall number of units on the site would therefore increase from 271 to 292. 4 of the additional units would be affordable in line with the current housing need evidence base.
4. There would be a mix of 2, 3 and 4 bed semi and terrace units with a mix of 2 and 2.5 storey types in keeping with approved application. Elevations would also be similar to the existing houses, using a mix of brick and render, artstone and traditional tiled roofs.

5. The majority of the dwellings on the site would benefit from 2 parking spaces and visitor parking spaces are also provided throughout the site in line with the approved scheme.
6. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

7. 4/1990/880 – Residential development (Outline). Refused.
8. 4/12/01023/OUT – 271 Dwellings (Outline). Approved.
9. DM/14/03067/RM – Reserved Matters. Approved.

PLANNING POLICY

NATIONAL POLICY

10. 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 dependant.
11. 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'

The following elements are considered relevant to this proposal;

12. *NPPF Part 1* – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
13. *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.
14. *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 applications 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.

15. *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.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

LOCAL PLAN POLICY:

City of Durham Local Plan

17. *Policy E7 (Development in the Countryside)* - advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable such as agricultural workers dwellings.
18. *Policy E14 (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.
19. *Policy H5 (New Housing the Countryside)* - sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
20. *Policy H12 (Affordable Housing)* - seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Supplementary Planning Document approved (December 2006) advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable housing is defined in the NPPF and should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.
21. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* - states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
22. *Policy R2 (Provision of Open Space – New Residential Development)* - states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate,

the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

23. *Policy T1 (Traffic – General)* - 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.
24. *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.
25. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* - states that the layout and design of all new development should take into account the requirements of all users.
26. *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.
27. *Policy Q5 (Landscaping General Provision)* - sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
28. *Policy Q8 (Layout and Design – Residential Development)* - sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
29. *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.

EMERGING PLANNING POLICY:

30. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. None received.

INTERNAL CONSULTEE RESPONSES:

32. Highways officers have no objections to the layout of the proposals or the level of off-street and visitor parking provision. They note that the original Transport Assessment accompanying the approved outline planning application examined the impact of 300 dwellings, therefore no objection is offered to the increase in dwelling numbers. Some off-site highways issues have been raised which are noted in detail later in the report.
33. Education officers state that there would not be sufficient primary or secondary school places in the vicinity of the site to maintain a 5% surplus. Therefore a financial contribution of £102,921 is required for primary school accommodation along with £49,632 for secondary schools.
34. Landscape officers have no objections to the proposals.
35. Design and conservation officers have no objections stating that the density of the proposals is similar to the rest of the site.
36. Spatial policy officers have no objections to the proposals.

PUBLIC RESPONSES:

37. Northumbrian Water have no objections to the proposals subject to a foul drainage condition.
38. No responses have been received from nearby occupiers.

APPLICANTS STATEMENT:

39. The subject planning application falls within the boundary of an approved application for residential development in Meadowfield, County Durham. The proposals seek to replace 50no. of the approved plots with 71no. smaller 2, 3 and 4 bed units from Avant Homes' new Bridge Range and 4 Affordable units. 1.2 Avant Homes' 'Bridge Range' has the same design principles as their mainstream product but is aimed at a wider customer base at the entry level of the housing market. Market research undertaken by Avant Homes has shown there is a strong demand for this type of product in the local area, with a lower average selling price, for the following reasons:

- The provision of more 2 and 3 bedroom homes will offer a product size that is considered to be most appealing to first time buyers and young families;
- The provision of more 2 and 3 bedroom entry level homes gives a greater opportunity for new and existing residents to purchase the property type whilst ensuring a high level of design and residential amenity is established and retained;
- Unlike with second hand homes available on the general market, first time buyers of brand new homes will be able to qualify for the Government's Help to Buy scheme which enables them to buy a home with a very low deposit and with reduced mortgage payments. For many first-time buyers and young families wishing to stay in Durham where they have grown up, this is the only way to get onto the housing ladder.
- The starting prices for these homes will be at levels that are suitable for first-time buyers. Incentives and Help to Buy will help open up these homes to an even wider market of first time buyers and young families.

40. The application has sought to maintain the design principles set out in the approved application and will consist good quality bricks, artstone and grey roof tiles with minimal use of render of added texture – reflective of the site’s surrounding area. This will ensure delivery of a high quality, sustainable and attractive development. Further to the above, we also wish to highlight that the ‘Bridge’ product specifically aligns to paragraph 72 of the draft revisions to the National Planning Policy Framework. This explicitly requires Local Planning Authorities to make sufficient provision for entry-level homes on sites such as this one. Whilst still subject to consultation, this is a clear indication of the focus on a greater level of provision of entry level homes at a national level – reflective of the significance of the shortage of high quality entry level homes across the country. In addition to the above, the following benefits will also be delivered through approval of this application:
- An additional £152,553 in local education contributions will be provided to the Council through the proposed development (in addition to education contributions already agreed through the existing consent)
 - Fully policy compliant with the provision of 20% affordable housing being provided on site, with negotiations at an advanced stage with a recognised Registered Provider;
 - Elevations will be of high quality and will be of a similar Architectural language as used on the approved application.; and
 - Ensuring ecological enhancements are maintained as previously approved.
41. Cognisant of the above, it is clear that the proposed amendments to the site offer a significant number of benefits for new and existing residents. The proposals will deliver a wider choice of unit types with a greater proportion of smaller and entry-level products to meet the identified market demand for this type of housing in this location. Delivery of the proposed development will ensure prospective first-time buyers and young families have access to a more readily available supply of high-quality and affordable entry level housing in Meadowfield, Durham. We trust this provides clarity on the reasoning and justification for the proposed amendments to the application site. Avant Homes has worked proactively with the Council’s Planning Department as this planning application has progressed to ensure the proposals will work for the developer as well as for the new and existing residents of Meadowfield, Durham alike. Accordingly, in the context of national and local planning policy and the positive recommendation from the Council’s Planning Officer, we respectfully request that the Council grants planning permission for the proposed development without delay.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the appearance, landscaping, layout and scale of the development, highways issues and S106 contributions.

Principle of the development

43. This application relates to a long standing housing commitment with outline planning consent for 271 residential units granted in April 2013. Reserved matters were approved in January 2015 and a significant number of completions have taken place on site.

44. This proposal seeks to add a further 21 no dwellings to the development which will increase the total number of dwellings to 292. Given that these additional 21 dwellings will be within the existing development site, the principle of residential development in this location is already established.
45. It should be noted that the increase in the number of units does trigger an additional requirement for both open space and affordable housing contributions along with others which are noted later in the report.

Appearance, landscaping, layout and scale of the development

46. As the principle of the development is already established, the key issue is ensuring that the layout of the revised development still accords with Policy Q8 (Layout and Design – Residential Development) of the City of Durham Local Plan (CDLP) (2004). New dwellings must function well for the people living there, providing sufficient space in and around their homes for children’s play and outdoor recreational activity, and provide an adequate standard of privacy and attractive outlooks. Sufficient space should be provided to ensure adequate privacy, and that both a satisfactory appearance to surrounding neighbours and cramped appearance is avoided. The overriding principles of the design policies of the Local Plan is that new housing development should have an attractive appearance, be durable, function well for their users and be designed to relate well to the surroundings of the site and the landscape setting, this is reflected in part 7 of the NPPF.
47. The appearance of the dwellings is considered to be of a generally high standard. This scheme and the wider development has been developed as a contemporary style development which works well in this location. The choice of materials, which is dominated by red brick and grey tile roofing materials relates well to the surrounding area whilst the inclusion of some render adds interest and creates a modern feel to the development.
48. Generally, the gardens and amenity space is generous and the level of off-street parking including private garaging has been considered appropriate by highways officers.
49. In terms of the scale of the development, it is considered that two and two and a half storey dwellings are entirely appropriate for this location and would reflect that of the surrounding developed area.
50. In terms of privacy and residential amenity, distancing standards as set out by policy Q8 of the City of Durham Local Plan requires a distance of 21 metres between main facing elevations and 13 metres between main elevations and gable ends. On some occasions within the site there are instances where these distances are not met by a small margin, however these relatively few instances are not considered significant enough to cause significant concern regarding residential amenity.
51. A landscaping scheme has been submitted which shows a comprehensive planting scheme throughout the development which would help create an attractive street scene which accords with saved policy Q5 of the City of Durham Local Plan and part 7 of the National Planning Policy Framework.
52. Overall, it is considered that the contemporary appearance of the dwellings would create a modern and interesting development which would be of a high standard

and would be appropriate in the context of the surrounding developed area and as such is in accordance with saved policy Q8 of the City of Durham Local Plan and part 7 of the NPPF.

Highways issues

53. As noted earlier in the report, highways officers have no objections to the layout of the proposals or the level of off-street parking, garaging and visitor parking provision. They note that the original Transport Assessment accompanying the approved outline planning application examined the impact of 300 dwellings, therefore no objection is offered to the increase in dwelling numbers.
54. The original outline planning consent for the larger site proposed the signalisation of the Browney Lane/A690 junction, however it has not been possible to develop a detailed design which overcomes specific safety issues which have arisen. The initial consented application could therefore have two negative impacts on the wider area as a result of the signalised junction not being delivered.
55. The first would be an increase in the number of motorist who would potentially “rat run” through the adjacent residential area. In discussion with officers the developer has therefore agreed a financial contribution for a traffic calming scheme on the local road network. This is subject to a current application to vary the original planning condition and substitute the signalisation for the traffic calming scheme.
56. The second issue would be to consider future impacts on the wider highway network and what other options and improvements could be progressed to offset any congestion that would otherwise occur. Therefore highways officers would require a further sum of £10,000 to undertake a traffic study to be delivered through a Section 106 agreement.
57. Overall it is considered that the proposals are acceptable from a highways point of view, both on-site and off-site and are in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

S106 Contributions

58. In addition to the contribution towards the traffic study noted above, contributions are also required toward open space, affordable housing and education.
59. Saved policy R2 of the City of Durham Local Plan states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
60. The Council are now using the new Open Space Needs Assessment (OSNA) as it has been endorsed by Cabinet. Using the OSNA calculation, 21 units would generate around 46 residents (based on 2011 census data of 2.2 persons per household) and therefore a contribution of £36,363 would be required for open space and recreation in the Brandon Electoral Division.
61. Saved policy H12 of the City of Durham Local Plan (CDLP) requires affordable housing, whilst the Strategic Housing Market Assessment (SHMA) (2016) identifies

the need for affordable housing within the County. The percentage of affordable housing is not set out within a policy, however, it is based on viability evidence which confirms that 15% is appropriate within this part of the County (the site falls within the medium viability area within the latest evidence published as part of the Local Plan Viability Report (2018)). The provision of affordable housing where a need has been identified is also encouraged through the NPPF (Para's 47, 50, and 159) and para 173 makes clear that viability should be taken into consideration in decision-taking. Affordable provision at 15% is considered to be at a level which would normally enable schemes to be developed viably in the central part of the County. Therefore the applicant has agreed to provide 4 affordable units on the site in accordance with the relevant policies and evidence base.

62. As noted earlier in the report, education officers have stated that there is insufficient capacity in both local primary and secondary schools to accommodate the development whilst leaving a 5% surplus. Therefore a financial contribution of £102,921 is required for primary school accommodation along with £49,632 for secondary schools.

CONCLUSION

72. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this identified allocation.
73. It was previously considered when outline planning permission was granted that the contribution the development would make toward meeting the housing and infrastructure needs of all sectors of the community and the investment and regeneration the development would bring to the area should be afforded significant weight. Outline planning permission was previously approved on the basis that these benefits were considered sufficient to outweigh any harm caused by permitting residential development beyond an established settlement boundary in this location. The principle of bringing this site forward for residential development has therefore been established. The additional 21 units would reflect the appearance, layout and scale of the rest of the site and are considered acceptable by officers subject to the conditions and Section 106 requirements set out below.

RECOMMENDATION

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

- i. £10,000 contribution toward a traffic survey
- ii. £36,363 contribution toward enhancement or provision of play facilities in the Brandon Electoral Division
- iii. 15% affordable housing on site
- iiii. £102,921 toward additional primary school teaching accommodation and £49,632 toward additional secondary school teaching accommodation.

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 only in accordance with the approved plans and specifications contained within:

Knightsbridge Floor Plans & Elevations BRM/BR/KN/001
Woodbridge Floor Plans BRM/BR/WOO/001 Rev A
Newbridge Floor Plans & Elevations BRM/BR/NEW/001
Stourbridge Floor Plans & Elevations BRM/BR/STO/001
Tonbridge Floor Plans & Elevations BRM/BR/TON/001
Woodbridge Elevations BRM/BR/WOO/002 Rev A
Bambridge Floor Plans & Elevations BRM/BR/BAM/001
Site Layout BRM/BR/SL/01 Rev F
Construction Plan BRM_BR_CP_01
Landscape Strategy Plan 728-07 A
Tree Protection Plan 728-08 A
Location Plan 5151/BR/SL/02

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "*Drainage Strategy Addendum – Rev B*" dated "December 2017". The drainage scheme shall ensure that foul flows discharge to the combined sewer system and ensure that surface water discharges to the existing watercourse.

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

4. No development hereby permitted shall commence until details of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

5. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

6. 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 all vehicles entering and leaving the site;

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: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

7. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

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

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

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

Replacements will be subject to the same conditions.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

8. Development shall not commence until a scheme of local traffic calming has been agreed in writing with the Local Planning Authority. The agreed scheme shall be made available for use before the occupation of the first dwelling and shall remain in perpetuity.

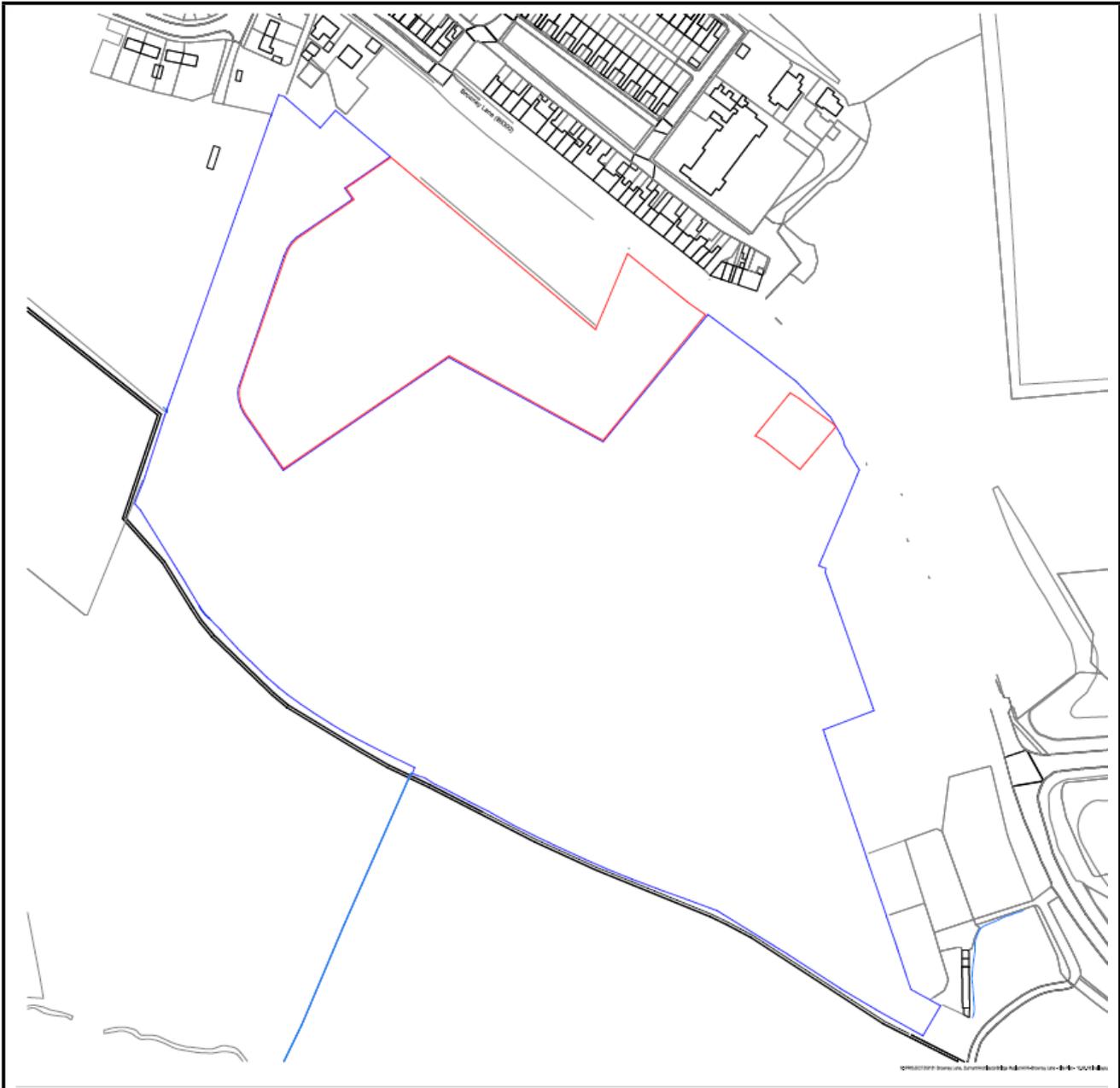
Reason: In the interests of highway safety in accordance with policy T1 of the City of Durham Local Plan and part 4 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the local planning authority has worked with the applicant and residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made taking into account all material planning considerations including representations received and within the timescales as agreed on the submission of the application. The recommendation has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- City of Durham Local Plan May 2004
- National Planning Policy Framework
- Consultation Responses



Planning Services

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.

Durham County Council Licence No. 100022202 2005

Comments

Land to the west of
Browney Lane,
Browney, Meadowfield.

Date: July 2018

Scale: n/a