



County Planning Committee

Date Tuesday 4 September 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 31 July 2018 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/18/01554/FPA - Land to the west of Browney Lane, Browney, Meadowfield (Pages 9 - 24)
Additional 21 dwellings
 - b) DM/18/01650/FPA - Land to the South of Durham University Mountjoy Research Centre, Stockton Road, Durham (Pages 25 - 52)
Erection of Mathematical Sciences and Computer Science building with associated works and access.
 - c) DM/17/03546/FPA - Hurworth Burn Farm, Wingate (Pages 53 - 68)
Proposed upgrade of existing poultry unit including the demolition of 12 existing poultry sheds and the erection of 4 poultry sheds.
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
24 August 2018

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

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

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

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 31 July 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett, J Clare, I Jewell, C Kay, H Nicholson, G Richardson, A Shield, P Taylor, M Wilkes and S Wilson

Apologies:

Apologies for absence were received from Councillor(s) K Hawley, L Maddison and F Tinsley

Also Present:

Councillor J Turnbull

1 Apologies for Absence

Apologies for absence were received from Councillors K Hawley, A Laing L Maddison and F Tinsley

2 Substitute Members

Councillor H Bennett substitute for Councillor A Laing.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 3 July 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/01617/FPA - Market Place, South Burns, Chester-le-Street

The Committee considered a report of the Senior Planning Officer regarding the reopening of a culverted watercourse through Chester-le-Street Market Place and creation of urban parkland at South Burns, Chester-le-Street (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and visuals showing the proposed street scene.

The Senior Planning Officer informed the Committee that following the publication of the new National Planning Policy Framework (NPPF) on 24 July there were changes to the numbering of the sections but there were no changes to the text that would affect the recommendations in the report. However there was a requirement for delegated authority to be given to officers to amend numbering within the reasons for approval should Members be minded to approve the application.

Councillor C Martin, local Member for North Lodge Division addressed the Committee to outline his support for the scheme and to also address a number of minor concerns that he had. Councillor Martin advised that he considered the scheme to be a fantastic project and he added his thanks to officers of Durham County Council and the Environment Agency for their hard work in bringing this scheme forward. The scheme would bring natural beauty and trigger regeneration in the area as well as providing a flood defence in the town centre.

He went on to discuss consultation and made reference to previous attempts to regenerate the market place area. In conclusion he added that he urged Members to support the scheme which in essence would cost £6m to rectify a poorly thought out £2m scheme.

Discussion ensued regarding changes to the NPPF and it was noted that all Planning Committee Members would receive a briefing on these changes in the coming months.

Councillor Wilkes asked whether clarification could be given as to where the current fixed stalls and vehicles associated with market traders would be moved to. In response the Senior Planning Officer advised that there was currently 375 fixed stalls on site however on average on only 27% were utilised. The new stalls would be temporary fixtures which would be erected on the day of the market and would occupy a much smaller area.

Rowena John, Senior Project Manager, advised that the current market would be relocated on a smaller scale to a new area on the site, however, it would operate, in generally the same way, noting that any overflow of the market would be directed on to Front Street.

Councillor Richardson commented that the open culvert design could pose dangers to children and asked what safeguards were in place. The Senior Project Manager advised that Health and Safety Reviews had been undertaken and given the shallow depth of water it did not warrant protective grids. She did, however, assure Committee Members that the culvert would be regularly reviewed and should it at any point be considered a health and safety risk, this could be rectified post installation. Further discussion took place regarding the issue and it was noted that some research had shown that protective grids could cause greater danger and with such a railing fence was proposed around the perimeter for safety reasons.

In relation to the funding aspect of the scheme, Councillor Bell asked whether this was forthcoming. The Senior Project Manager advised that the Durham County Council component of the funding had been confirmed and a decision on the European Regional Development Fund was expected in October 2018.

Councillor Bell further queried whether the culvert would alleviate all flooding as he questioned its position in relation to Front Street. The Senior Planning Officer advised that the scheme was a beginning and should it need to be extended further east this may be possible in the future, although it was likely that any flood water would find its way to the culvert.

Further discussion took place regarding the design and height of the perimeter fencing. The Senior Planning Officer advised that the fencing would appear slightly different to that shown in the visuals and the fixed wall would also be slightly taller in height.

Councillor Wilkes **Moved** that the application be approved subject to the conditions listed in the report. He further asked whether the funding awarded included maintenance or whether this would be the responsibility of Durham County Council upon completion. The Senior Planning Officer advised that he did not have that information available, however Members should be mindful that the Committee could only discuss the acceptability of the application.

Councillor Clare commented that he was certain that there would be flexibility in the future to take on the concerns raised by the Committee and with such **Seconded** the proposal.

Resolved:

That the application be approved subject to the conditions as listed within the report.

b DM/18/01554/FPA - Land to the west of Browney Lane, Browney, Meadowfield

The Committee considered a report of the Senior Planning Officer regarding an application for an additional 21 dwellings at the above location in relation to a previously approved application DM/14/03067/RM (for copy see file of Minutes).

B Gavillet, Senior Planning Officer provided a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and plans of the proposed house types.

Updates to the report were given as follows:

Condition 4 – That details of the external walling and roofing materials shall be submitted to and approved in writing by the local planning when the development is at damp course level.

He further noted that 3 objections had now been received on the grounds of the impact upon traffic, congestion and infrastructure.

Councillor J Turnbull, local Member addressed the Committee to object to the application in light of ongoing issues relating to the previously approved application. He advised that as a result of Avant Homes not completing traffic signal works on the A690, the local community was dealing with increased congestion, damaged cars and rat runs. In addition, the Parish Clerk had informed him that another 4 complaints of car damage had been received. He concluded that in his opinion and that of many residents he couldn't understand why the application had ever been granted due to the traffic issues and lack of public transport available in the area.

Councillor Taylor added that although he welcomed the addition of affordable homes, his previous concerns remained relating to traffic, gridlocking, rat running and the increase of road traffic accidents in the area. The development of the site had caused local Members and the community tremendous worries and he felt that the addition of a further 21 homes would exacerbate these issues. Whilst he acknowledged that the Senior Planning Officer had worked hard on the variation to the condition for traffic calming, it had still not been signed off by the developer and the funding was yet to materialise.

He noted that the complete environment of Browney had changed with the increase from 78 to 300+ dwellings, however the road infrastructure had not. With that he noted that he may consider deferment of the application the best option.

As a point of order N Carter, Solicitor sought clarification from Councillor Taylor as to whether he was speaking as a local or Committee Member. Councillor Taylor confirmed that he had no preconceived ideas as to how to vote on the application and was speaking in his capacity as a Committee Member.

The Senior Planning Officer proceeded to read the following statement received from Highways:

"Members may recall that the original consent included a requirement to signalise the A690/Browney Lane junction however it has not been possible to develop a detailed design which overcomes specific safety concerns and therefore this matter remains outstanding. To address this point the applicant has submitted a separate application which effectively replaces the signalised junction with a series of traffic calming measures on the local road network to prevent rat running. A condition is suggested which would restrict the occupation of this development until those measures are in place".

Amy McFaulds, Avant Homes advised that they had worked extremely closely with the Highways team in order to come up with alternative traffic calming arrangements. She advised that the last few legal matters were being finalised and the money would be released shortly.

Councillor Taylor proceeded to read a statement from Banks Group which had been submitted as part of the initial planning permission noting that the promises made within had not been fulfilled.

Councillor Shield noted that he had sat on the original Committee where the application had been considered and was concerned that he supported the proposal at that time because of the intention to install signalisation on the A690.

He noted that the developer had not complied with the agreed highways plan and therefore the issue had not been resolved and the planning condition had been breached. This further application sought to merely exacerbate existing issues and local Members were left to suffer the consequences.

The Solicitor reminded Members that enforcement was not a matter for the Committee. Consideration should be given however as to whether the additional 21 dwellings would cause further impact on exiting highway issues and on that basis he advised that it would be difficult to refuse the application on that basis.

Councillor Shield added that while he acknowledged the Solicitor's comments he supported Councillor Taylor's suggested deferment. Councillor Wilkes reiterated those comments and he too supported Councillor Taylor. He further added that he felt that a Highways Officer should have been in attendance at the meeting to answer any questions raised. In addition he felt that the development would benefit from additional visitor parking.

Councillor Wilson asked whether it was known whether the proposed traffic calming mitigations were better than the originally proposed signalisation. S Eldridge, Team Leader advised that signals would have been the preferred option however as this was not feasible the proposal was deemed a suitable alternative.

Councillor Clare added that he questioned the Solicitor's advice regarding refusal reasons, noting that he felt there was adequate justification to say that the additional houses would knowingly aggravate an existing situation which by definition would be unacceptable in highway terms.

He did however acknowledge that the proposed condition number 8 offered an element of protection. However he also noted that the traffic management scheme was subject to a separate application that had not yet been seen.

Councillor Jewell added that although he felt uneasy about the application he did acknowledge that the traffic problems were not unique to this area and questioned what effect 21 additional houses would have upon highways.

Councillor Kay noted his disappointment at the reduction in money to improve highways and asked why Highways experts were not in attendance to provide advice on such a contentious application. With that in mind, he suggested that at the very least the application should be deferred.

Councillor Nicholson added that the application did not sit well with him either and felt that the Committee had genuine grounds to defer the application to allow for details and cost implications of proposed highway works to be discussed by the Committee with a highways officer.

In order to clarify a number of points raised the Senior Planning Officer advised that the other application that had been submitted had been costed at £68,700 and had been submitted in consultation with local Members.

Councillor Wilkes added that he would expect to see full details of the proposals and details of the traffic survey. He noted that the Council had been at fault due to the incorrect advice offered at the time by Highways and something needed to be done to fix the current problem.

Councillor Shield at this point **Moved** that the application be deferred on the basis that details were required regarding the funding, the proposed traffic calming scheme, why the previously approved scheme was not feasible and to ensure that a Highways Officer was in attendance to offer advice on technical aspects.

In order to clarify some points made, A McFaulds advised that although the original proposals for signalisation were costed at £300,000, the revised proposals cost significantly less. Avant would only be expected to pay for the actual scheme cost.

The Team Leader proceeded to provide a list of the proposed highway works. Councillor Clare asked whether the proposed scheme of works provided the same level of mitigation that signalisation would have provided. He furthermore agreed that the Committee had not been provided with enough information to enable them to come to a sound decision.

Councillor Wilkes **Seconded** the proposal by Councillor Shield. Councillor Taylor furthermore provided an explanation as to why the traffic signals were unsuitable for the road and noted that, both himself and Councillor J Turnbull had raised this prior to the initial application from Banks.

Resolved:

That the application be **deferred** on the grounds that further information was required in respect of the traffic calming scheme proposed, why the previously approved scheme was no longer suitable and to allow Highways Officers the opportunity to attend and provide technical advice to the Committee should it be required.

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. Members will recall that this application was deferred from the previous committee meeting in order for a highways officer to attend.

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. This undertaking has now been agreed and the approval of the application is imminent.
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/KN1/001
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.

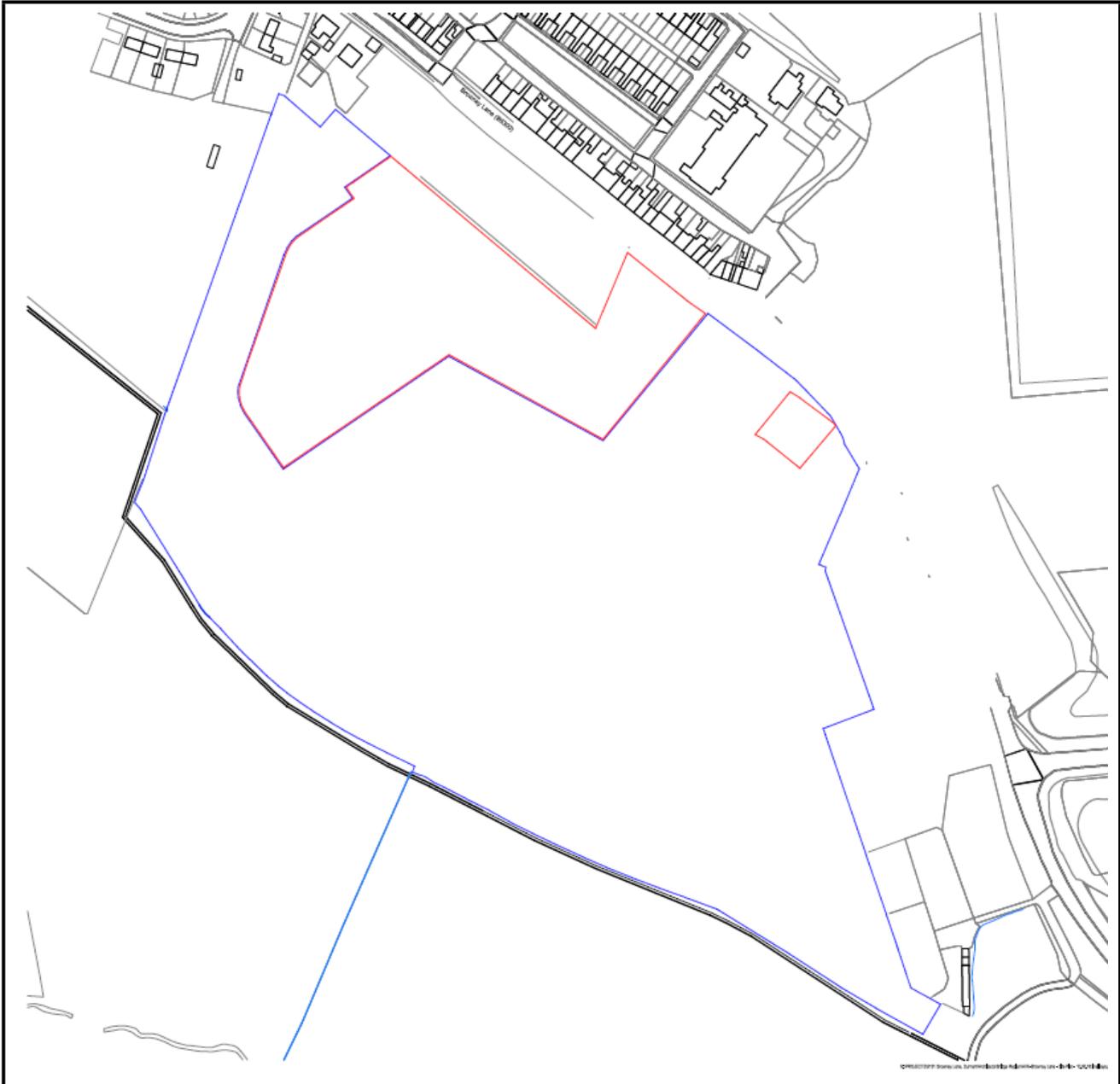
Reason: In the interests of highway safety in accordance with policy T1 of the City of Durham Local Plan.

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

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Comments

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

Date: September 2018

Scale: n/a

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01650/FPA
FULL APPLICATION DESCRIPTION:	Erection of Mathematical Sciences and Computer Science building with associated works and access
NAME OF APPLICANT:	Durham University
ADDRESS:	Land To The South Of Durham University Mountjoy, Research Centre, Stockton Road, Durham, DH1 3UP
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 2.7 ha in area and consists of an undeveloped parcel of land to the south of Durham City Centre within the University Mountjoy Centre. Existing university buildings are located to the north of the site, to the east an existing car park is located, to the south Great High Wood is located and to the west Hollingside Lane is sited, beyond which lies Collingwood Collage. There is a level change on site extending to a maximum fall of 8m in a northerly direction from Great High Wood. Vehicular access to the site is provided through the existing Mountjoy Centre, leading to Stockton Road. Pedestrian access is provided through this road network and also off Hollingside Lane, leading to South Road.
2. The Durham (City Centre) Conservation Area lies approximately 280m to the north west of the site, whilst the Durham Caste and Cathedral World Heritage Site lies approximately 850m to the north of the site. The nearest listed building lies approximately 182m to the south west of the site, (Grade II, Hollingside House and Wall), whilst the Grade II Listed Building of the School of Oriental Studies lies approximately 520m to the west of the site. The Durham Green Belt lies approximately 5m to the south of the site, which also forms the boundary to the Great High Wood Ancient Woodland and Area of High Landscape Value and Houghall, Maiden Castle and Little Woods Local Wildlife Site. A Public right of way crosses the northern part of the application site (no. 36 and 37 Durham)

The Proposal

3. Planning permission is sought for the erection of a 4 storey building providing 10,933 sqm of floor space to provide new accommodation for Durham University's Mathematical Sciences and Computer Science Departments. It is estimated that the building would accommodate approximately 2000 students and 140 staff.
4. The building would be effectively rectangular shaped, measuring approximately 69m by 65m and would be arranged to create 4 internal courtyards. The maximum height of the main building would measure 16m, however the building would be cut into the existing slope, which would be partially re-graded. The ground level forming a linear block and retaining wall whilst the upper levels would project over ground level, which would consist of curtain glazing. The upper floors would consist of projecting bands of pre-patinated copper separated by glazing set in a deep reveal. The roof top would provide a photo voltaic array, cooling equipment and boiler flues.
5. Vehicular Access to the site would be retained through the existing Mountjoy Centre for service vehicles and the 6 proposed accessible spaces. A total of 96 cycle parking spaces of which 20 are in a secure covered shelter are proposed. The existing pedestrian access onto Hollingside Lane would be upgraded to provide a multi user route for pedestrians and cyclists.
6. The building would allow the relocation of the Mathematical Sciences and Computer Science Departments from elsewhere in the university. The vacated space would be utilised by the University to facilitate internal reorganisation of education accommodation.
7. This planning application is being reported to the Strategic Planning Committee due to the floor space of the development

PLANNING HISTORY

8. There is no relevant planning history to this site however the Authority has adopted a formal screening opinion confirming the development is not considered EIA development and that an Environmental Statement would not be required to support the planning application (ref SCR/18/00002).

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section

of the report. The following elements of the NPPF are considered relevant to this proposal.

11. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan (2004)

23. *Policy E3 – World Heritage Site Protection.* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
24. *Policy E5 – Open Spaces Within Durham City –* Sets out that open spaces within the settlement boundary of Durham City which form part of its character and setting, including the Oswald-Elvet Hill parkland will be protected by restricting development to the height of the surrounding trees and is of a low density and sets aside most of the site for landscaping/open space.
25. *Policy E6 – Durham City Centre Conservation Area.* Seeks to preserve the special character, appearance and setting of the conservation area by setting out design criteria that developments should adhere to and not permitting the demolition of historic properties
26. *Policy E10 - Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.

27. *Policy E14 - Protection of Existing Trees.* Seeks to protect existing trees wherever appropriate.
28. *Policy E15 - New Tree and Hedgerows.* States that the council will encourage tree and hedgerow planting.
29. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
30. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
31. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
32. *Policy E21 – Historic Environment.* Seeks to preserve and enhance the historic environment by requiring developments to minimise adverse impacts on significant features of historic interest and encourage the retention, repair and re-use of buildings and structures which are not listed but are of visual or local interest.
33. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
34. *Policy E23 - Listed Buildings.* Seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
35. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
36. *Policy EMP2 – Durham Science Park.* States that the development of Durham Science Park will continue and be occupied only for research and development, laboratories and high tech uses as set out in the class B1 use class.

37. *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.
38. *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.
39. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists.
40. *Policy C3 – Education: University of Durham.* This policy supports proposals by the University which amongst other criteria strengthen its role as a major social, sports and recreational asset and its contribution to the local economy and cultural life.
41. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
42. *Policy Q1 – General Principles – Designing for People.* The layout and design of development should take into account the requirements of users including personal safety and crime prevention and accessibility requirements.
43. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
44. *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.
45. *Policy Q6 – Landscaping – Structural Landscaping.* States that all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
46. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
47. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
48. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. 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.
49. *Policy U9 – Watercourses.* Requires that development proposals which may directly affect watercourses do not result in flooding, pollution, harm to nature conservation or harm to visual amenity.

50. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.
51. *Policy U11 – Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
52. *Policy U12 – Development near Contaminated Land.* Measures must be undertaken which would be sufficient to stop contaminants leaches or gases penetrating the site and accumulating in buildings and structures which could be harmful gases should be prevented from migrating into surrounding land.

RELEVANT EMERGING POLICY:

The County Durham Plan

53. Paragraph 48 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.

Durham City Neighbourhood Plan

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

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

56. *City of Durham Parish Council* – Request that the determination of the application be paused until the University Masterplan has been submitted. This development is part of a larger scheme which will need an Environmental Impact Assessment, approval of

its components should not be permitted until one is carried out. Concerns are raised regarding the availability of residential accommodation within the city to house students using the development due to the delay in the delivery of University Accommodation.

57. *Historic England* – Offer no comments advising that the view of the Council’s specialist conservation and archaeological advisors are sought.
58. *Highways Authority* – No objections raised, it is advised that the new facility will generate more pedestrian and cycle trips but as the development has been designed to limit car provision a significant increase in vehicle trips will not arise. The Transport Statement (TS) sets out that impacts on the local road network would be minimal, this conclusion is considered sound. The Design and Access statement and TS identify the quantity and location of both long stay and short stay cycle parking provision which is considered acceptable. It is advised that the development can be accommodated within the University estate without impact on the local highway network.
59. *Northumbrian Water* – Raise no objections and state that development should be carried out in accordance with the submitted drainage strategy.
60. *Drainage and Costal Protection* – Advise that the submitted scheme for surface water disposal which incorporates SUDS features is considered acceptable.

EXTERNAL CONSULTEE RESPONSES:

61. *Durham Constabulary Architectural Liaison* – Advise that the overall crime risk assessment for this proposal is low, the main risk will be the theft of pedal cycles which is a persistent problem across the University sites, ideally cycle parking should be situated as close to the main entrance as possible to ensure surveillance across the stands. It is advised that the shelter to the west of the site is a little remote.

INTERNAL CONSULTEE RESPONSES:

62. *Spatial Policy* – Raise no objections. Advise that the City of Durham Local Plan (CDLP) Policy EMP2 (Durham Science Park) designates the site as part of the Durham Science Park and only permits the development of B1 use research and development, laboratories and high tech uses.
63. An Employment Land Review (ELR) was undertaken in 2018 and recommended that the undeveloped area of Durham Science Park is deallocated as it is unlikely to meet the needs of B1 use research and development operators due to the ownership and aspirations of the site. Sufficient other land to meet this need is considered to exist. Given the recommendation of the ELR which has been carried forward in the Preferred Options of the County Durham Plan, and the more flexible approach promoted in the NPPF it is considered that the Policy EMP2 is out of date.
64. As a result, the acceptability of the development largely rests on whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
65. *Design and Conservation* – Raise no objections and advise that the impact on designated heritage assets and their settings including the Durham World Heritage Site, Durham Conservation Area and relevant listed buildings would overall be considered neutral. This is due to the buildings design, distance, intervening landform, trees and visual isolation of the site. In design terms it is advised that the building is

well considered, although ideally the building as a pavilion should be able to be seen at distance in landscape, reinforcing the architectural ambition. It is advised that the envisaged pavilion is somewhat compromised by the proximity of the existing development to the north, which it dominates and appears somewhat out of context and scale against the existing late twentieth century buildings however overall no objection is offered to the scheme.

66. *Landscape* – Offer no objections, advising that in the immediate locality the effects on landscape character would be transformative given the scale of the building, but would be reasonably consistent with the emerging character of the campus in this area. In wider views the proposed building would be generally screened by woodland although parts of its eastern edge in particular would be visible through and above the woodland canopy in distant views from higher ground to the north. This would be a relatively small element in visually complex panoramic views. While it would introduce an element of built form into an area currently made up entirely of woodland canopy, the scale of the intrusion would be small and of a similar character, though with a lower order of impact, to areas to the west where buildings are partially visible within the canopy. It is advised that the colour proposed is visually recessive, and in views impact would not be significant. Lighting during the evening/night time would be noticeable if looked for, but would not change the general character of the night-time view to a significant degree.
67. *Landscape (Arboriculture)* – Raise no objections and advise that there are no trees of significance that would be affected by the proposals.
68. *Ecology* – Offer no objections advising that the submitted Preliminary Ecological Assessment is sufficient to inform this application and that no further surveys are required. Providing the ecological compensation and enhancements are undertaken it is advised that the development will result in a net gain for biodiversity and comply with the biodiversity enhancement requirements of the NPPF.
69. *Environmental Health and Consumer Protection (Air Quality)* – Raise no objections. The site is in close proximity of an Air Quality Management Area (Durham City Centre), however the development is not expected to generate a level of traffic of a magnitude that would impact on the Air Quality Management Area and no detailed air quality assessment in regards to the operational phase of the development is necessary. Methods for the suppression of dust and particulates should be adopted during construction via a Dust Action Plan.
70. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised, officers advise a conditional approach in relation to land contamination to secure further sampling work and mitigation as required.
71. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the development has the potential for noise to be generated from external plant. A conditional approach is recommended to restrict the noise levels from the plant to appropriate levels. In terms of the noise (and dust) from construction works it is advised that the construction management plan is acceptable. It is also recommended that an external lighting strategy should be agreed for the site.
72. *Archaeology* – Raise no objections subject to the completion of a programme of archaeological work to be ensured via condition.
73. *Sustainable Transport* – Advise that a final travel plan will need to be agreed before the development is occupied.

74. *Access and Right of Way* – Advise that a Public Right of Way lies through the application site, permanent diversion to the footpath would be required. Separate approval will need to be sought to secure this.

PUBLIC RESPONSES:

75. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. Three letters of representation have been received all raising objection to the development including 1 letter of objection from a local resident raising the following matters:-

- The ecological value of the site is highlighted
- Concerns are raised regarding the potential for the site to exit onto Hollingside Lane and on to South road and the increase in traffic that could arise.

76. *Durham City Trust* – Raise comments and an objection on the application as summarised below:-

- The design of the proposed building adopts an appropriate plateau top approach, while material as well as massing are shown to ensure that the structure sits quietly in long distance views
- Concerns are raised to future development proposals on land surrounding the development site as set out in the University Master Plan which has yet to be fully published. The development should be assessed in the overall context of the masterplan.
- The Transport Statement is misleading, erroneous and inadequate including incorrectly identifying the total number of staff and students.
- The University could use the buildings which will be vacated as a result of this development to enable expansion, this is not factored into the Transport Assessment.
- The full University Masterplan has not been fully identified or taken into account.
- The residual cumulative impact of all university developments needs to be assessed and considered.
- Pedestrian facilities such as footpath widths in the vicinity of the site and across Durham are inadequate
- The National Cycle Network does not adequately serve the site and it is unrealistic that people will travel from distance to serve the site.
- The Transport Assessment should factor in that the site is not served by a good quality cycle network.
- Concerns are raised regarding potential for cars to exit the site onto Hollingside Lane.
- The pedestrian movements to the development are not negligible and would have a cumulative impact, the Transport Assessment incorrectly assessed these.
- A condition should be attached to the planning approval to ensure that lecture start times are staggered.
- The level of cycle parking should be increased whilst details of the level of cycle parking, parking surveys travel survey and expenditure on improvements should be made public annually.
- Cycle parking should be spaced at 1m intervals rather than the 800mm proposed.

77. *Durham Castle and Cathedral World Heritage Site Coordinator* – Advises that the proposed building is a substantial construction on a hillside that defines part of the inner setting of the World Heritage Site (WHS). It will be screened by Little High Wood in cross city views and Great High Wood from the south. Its acceptability in relation to

minimal impact on the WHS and its setting is wholly reliant on these woods. Significant concerns are raised that they are not referenced in terms of strategic management in the application and are believed to be within the applicant's ownership. Any cumulative impacts in relation to existing buildings or other potential development areas (as identified in the Durham University Masterplan) are also not referenced.

APPLICANTS STATEMENT:

78. The proposed Mathematical Sciences and Computer Science building forms part of the implementation of the Durham University Estate Masterplan (2017 – 2027) and will allow Durham University to combine the two departments, which are currently at capacity and are no longer capable of providing the quantity and quality of accommodation to meet their future needs.
79. The Proposed Development will enhance Durham University's contribution to the local and UK economy with a total development value of c.£41.9million. The growth strategy of the departments will deliver additional employment opportunities in the region of 70 additional academic and support staff across the two departments over 10 years and will also bring direct and indirect employment opportunities throughout the construction period (233 direct and 210 indirect jobs).
80. The Proposed Building will provide teaching, learning and research accommodation in the form of offices for staff and PhD students, communal mathematical sciences space, meeting rooms, communal computer science space, research labs, undergraduate study space, seminar rooms and lecture theatres, together with various catering facilities. The development will also incorporate external spaces for students and staff.
81. The building will also comprise an innovation and enterprise hub which will provide study space, quiet study rooms, breakout space and flexible event space. The University currently has around 3,000 students carrying out enterprise activity within the University, but they are currently spread around various departments and societies. The innovation and enterprise hub will provide a base for this entrepreneurial activity, a link between departments, and crucially will provide a link with local industries.
82. Significant work has been undertaken in preparing the proposals for the Site, including extensive pre-application meetings with the LPA, as well as a public exhibition for key stakeholders and local residents.
83. The proposed development is sustainably located within the urban area of Durham and on an allocated and well-contained site for development, close to existing University facilities and accommodation. The proposal is car-free (with the exception of disabled and service vehicle accessibility) and includes improvements to pedestrian access through and around the site, encouraging sustainable modes of travel.
84. Careful consideration has been given to the design of the building, its appearance within the landscape and its impact on the World Heritage Site. It has been specifically designed to be set into the landscape and its overall height kept low, in order to ensure that views towards the Cathedral and World Heritage Site are protected and the building will not appear in the background. The building has been designed to meet BREEAM 'Excellent' rating through sustainable construction methods and low carbon energy. A strategic approach to design energy conservation has been adopted, applying the lean, mean green principles.
85. The proposed development contributes to all three dimensions of sustainable development, delivering substantial benefits in each area. The proposals therefore fall

within the definition of sustainable development, for which the NPPF encourages planning authorities to take a positive approach.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

86. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, heritage and landscape impact, highway safety and access, amenity and pollution, ecology, flooding and drainage and other issues.

The Principle of Development

87. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDLP was adopted in 2004. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.
88. The site is identified as an open space within the settlement boundary of Durham City under policy E5 of the CDLP. The Policy does not advise on land uses in principle, focusing instead on visual and landscape impact parameters relevant to development within the Mount Oswald-Elvet Hill Parkland Landscape Area, which includes the application site. Development proposals in this area should be low density and sympathetic to the landscape setting. Consideration of the landscape/visual impact of the development is considered in the relevant section of the report. CDLP Policy E5 is considered consistent with the NPPF and can be attributed weight in the decision making process.
89. CDLP Policy EMP2 (Durham Science Park) designates the site as part of the Durham Science Park and only permits the development of B1 use research and development, laboratories and high tech uses. Durham Science Park gained planning permission in 1993 and began as a joint venture between Durham University and the private sector. The aspiration of Policy EMP2 was that the science park would develop further in accordance with the United Kingdom Science Park Association (UKSPA) guidance and management. Durham Science Park is not now identified by the UKSPA as a member science park and a large part of the allocation is now occupied by University buildings.
90. In this instance an Employment Land Review (ELR) was undertaken in 2018 and recommended that the undeveloped area of Durham Science Park is deallocated as it

is unlikely to meet the needs of B1 use research and development operators due to the ownership and aspirations of the site. Sufficient other land to meet this need is considered to exist. Given the recommendation of the ELR which has been carried forward in the Preferred Options of the County Durham Plan, and the more flexible approach promoted in the NPPF, it is considered that Policy EMP2 is out date and the weight to be attributed to it in the decision making process reduced. It is also recognised that the proposed development would involve a mixture of research, teaching and laboratory type accommodation and would, to a degree, deliver similar scientific research aspirations of the policy. Further to this Policy C3 offers broad support for development proposals by the University of Durham.

91. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
92. Having regard to the above, the development would conflict with policy EMP2 of the CDLP which safeguards the site for high-tech research and development uses within use class B1. However for the purposes of paragraph 11 of the NPPF, the Development Plan is considered to be out of date in relation to the principle of development. As a result, the acceptability of the development largely rests on whether there is a clear reason for refusing the development following the application of polices that protect areas or assets of particular importance or any adverse impacts of approving the development which would significantly and demonstrably outweigh the benefits.

Heritage and landscape Impact

93. Policy E3 of the CDLP seeks to protect Durham Cathedral and Castle World Heritage Site (WHS) and its setting by restricting development to safeguard local and long distance views to and from the WHS. In addition to this, Policies E6 and E22 seek to preserve the special character, appearance and setting of the Durham City Conservation Area by not permitting development which would detract from its character or appearance. Policy E23 of the CDLP seeks to protect the special interest of Listed Buildings and their setting. Although the NPPF seeks to protect heritage interests, the policies in the CDLP are considered to be more restrictive than the NPPF in that they do not permit flexibility in decision-making where harm is found to the heritage assets, with no public benefit tests referenced as per the NPPF. As a result the Policies are not fully consistent with the NPPF and this affects their weight in the decision making process. CDLP Policy E5 identifies areas of open space within Durham City which the application site is within, whilst Policy E10 identifies Areas of High Landscape Value, including land to the south of the application site. These policies seek to protect the setting and historic character of Durham City. These policies are considered consistent with the NPPF which highlights the need to take

account of the roles and character of different areas and therefore can be afforded full weight in the decision making process.

94. S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 of the same Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
95. The heritage assets in this instance which could be impacted by the development are identified as the Durham (City Centre) Conservation Area (280m to the north west of the site), the Durham Castle and Cathedral World Heritage Site (850m to the north of the site). A number of listed buildings lie within proximity of the site and the wider conservation area including the Grade II, Hollingside House and Wall (182m to the south west) and the Grade II Listed Building of the School of Oriental Studies (520m to the west).
96. After reviewing the supporting information, including a Heritage Statement and a Landscape Visual Impact Assessment, The Council's Design and Conservation Section advise that the development would have a neutral impact on the significance of designated and non-designated heritage assets, including the Conservation Area and World Heritage Site. This is due to the distance from these assets, the intervening landform, existing vegetation and the visual isolation of the site. The proposal would therefore preserve the character/appearance of the Conservation Area.
97. This view is shared by the Council's Landscape Section, who advise that the development would be appreciated in wider views as a relatively small element in a visually complex panoramic. The proposed building would be generally screened by woodland, although it is recognised that parts of its eastern edge in particular would be visible through and above the woodland canopy in distant views from higher ground to the north. While the development would introduce an element of built form into an area currently made up entirely of woodland canopy, the scale of the intrusion would be small and of a similar character, though with a lower order of impact, to areas to the west where buildings are partially visible within the canopy. It is advised that the colour of the building is visually recessive and in views would not appear significant. Lighting during the evening /night time would be noticeable if looked for, but would not change the general character of the night-time view to a significant degree.
98. Historic England offer no comments on the application, deferring to the Council's specialist services in this respect.
99. The design of the building itself is considered acceptable in its own right, as advised by the Design and Conservation Section as being well considered. Some concerns are identified in that ideally the building as a pavilion should be able to be seen at distance in the landscape, reinforcing the architectural ambition. It is advised that the envisaged pavilion is to a degree compromised by the proximity of the existing development to the north, which it dominates and appears somewhat out of context and scale against the existing late twentieth century buildings, however overall no objection is offered to the scheme. As identified by the Council's Landscape Section there would be some transformative effects on landscape character of the immediate area given the scale of the building, however on balance it is considered that this would be reasonably consistent with the emerging character of the campus in this area. A

detailed landscape plan has been submitted which is considered acceptable subject satisfying the requirements of Policies CDLP E14, E15, Q5 and Q6.

100. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. An agreed Written Scheme of Investigation including trial trenching is ongoing, a conditional approach to secure this work and recording of any findings is recommended by the Councils Archaeology Officer.
101. Overall it is considered, in line with the advice from the Councils Design and Conservation and Landscape Sections that the development would not negatively impact on or their settings heritage assets or sensitive landscapes. It is however considered expedient to control details of materials to be used and a lighting scheme. Subject to these conditions the development is considered to accord with policies E3, E6, E10, E14, E15 E21, E22, E23, E24, Q5 and Q6 of the CDLP and part 16 of the NPPF in this respect and satisfying the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These policies are considered either fully (E10, E14, E15 and E21) or partially (E3, E6, E22, E23 and E24) consistent with the NPPF and each can be attributed weight in the decision making process.
102. Some conflict with policy E5 of the CDLP, which specifically states that developments should not exceed the height of adjacent trees, would arise. However as set out above the development is considered sympathetic to the landscape and acceptable in the round, this limited degree of conflict needs to be take into account in the planning balance. Comments have been raised regarding the need to protect the woodland to the south as this mitigates the impact of the development. Although not protected by Tree Preservation Orders, the area does form part of the Green Belt, an Area of High Landscape Value and is a Local Wildlife Site, given the established nature of this area and protection afforded through the planning system no further controls are considered necessary to be secured through this planning application.

Highway Safety and Access

103. CDLP T1 states that planning permission will not be granted where a development would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring properties. CDLP policies T10, T20, Q1 and Q2 cumulatively seek to ensure that developments are accessible by a range of users whilst making sure that appropriate levels of car and cycle parking are provided. The NPPF sets out at Paragraph 108 that safe and suitable access should 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 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Objections have been received regarding the potential cumulative impact of the development and the nature of cycle parking proposed.
104. Vehicular access to the site is provided through the existing Mountjoy Centre, taken off Stockton Road. Pedestrian access is provided through this road network and also off South Road. A number of parking areas within the immediate University Complex provide onsite parking. The scheme proposes to retain the existing access arrangements with 6 additional accessible parking spaces proposed to the east of the building, 20 secure bike parking spaces would be provided in an enclosed building, whilst an additional 76 open bike spaces are proposed.

105. In assessing the impact of the development the Council's Highways Authority offer no objections advising that due to the limited parking a significant number of vehicle trips would not arise and as concluded in the submitted Transport Statement the impacts on the local road network would be minimal. The development would meet the Council's currently adopted parking standards for Further Education developments.
106. A draft Travel Plan has been submitted which is considered broadly acceptable, however a condition to secure a final travel plan is required in order to comply with policy Q2 of the CDLP and part 9 of the NPPF.
107. A Public right of way crosses the northern part of the application site (no. 36 and 37 Durham), as advised by the Councils Rights of Way and Accessibility Officer this path would need to be diverted. Given the nature of the path this is considered acceptable and would not reduce access, the development would comply with CDLP policy R11 in this respect.
108. Public objections have been raised regarding the considered failure of transport submissions accompanying the application to consider the cumulative impact of potential future developments proposed by the University and objection to transport related impacts are amongst the most significant and detailed concerns raised in representations on the application. Durham University has publicised on its website an Estate Masterplan Executive Summary up to 2027. The document essentially presents the broad principles of how the University may develop its estate in the upcoming years. Each proposal requiring planning permission which the University may have would have to been considered under a formal planning application process and ultimately it is considered at this stage that the potential for cumulative impacts should be focused upon those schemes which constitute committed developments which have planning permission for example development at Mount Oswald, Lower Mountjoy and Maiden Castle. In advising on the application the Council's Highway Authority have taken into account relevant existing permissions and developments within the vicinity of the site and no objections are raised in relation to the cumulative impact of the development on the highway network, including pedestrian/cycle and vehicular routes. In the short term the vacated buildings would be occupied by other existing departments to allow a reorganisation of accommodation across the university. No cars would exit the site on to Hollingside Lane as part of this application.
109. Objections have further been raised in relation to the spacing between the proposed cycle parking, indicated as 800mm where guidance sets out that a 1m space is desirable. However this is not considered a reason to resist the application while the increase in spacing of cycle parking would impact on the overall number of spaces available. The siting of the cycle parking is also deemed acceptable. The submitted travel plan includes provisions to ensure the availability of cycle parking on site which is reviewed annually in conjunction with the Councils Sustainable Transport Officer.
110. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. The location is considered sustainable, particularly considering the existing uses of the adjoin sites and future occupiers would be able to utilise a range of transport methods. The scheme is considered acceptable with regards to CDLP Policies T1, T10, T20, Q1 and Q2 and Part 9 of the NPPF in this respect. Policy T1 is considered partially consistent with the NPPF and T20, Q1 and Q2 fully consistent with the NPPF and each can be attributed weight in the decision making process. Policy T10 is seeks to minimise the level of provision which is considered contrary to the more up to date approach advocated by national guidance and as a result no weight is attributed to this policy.

Amenity and Pollution

111. CDLP Policy C3 sets out that University development will in general be supported providing it will not adversely affect the amenity of neighbouring occupiers of land or property. Policies U5 and of the CDLP also sets out that development that may generate pollution will not be granted if the proposal would have an unacceptable adverse impact on the quality of the local environment, amenity of nearby and adjoining land users. The NPPF at paragraph 127 sets out that developments should achieve a high standard of amenity for existing and future users whilst paragraph 170 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. These policies can be afforded full weight in the decision making process.
112. In terms of noise generated from the development, the applicant has provided a noise impact assessment in relation to external plant which assesses daytime noise levels. The Council's Environmental Health and Consumer Protection section offers no objection to the proposed levels but recommends a conditional approach to set appropriate night time levels.
113. A construction management plan has been submitted detailing how construction related impacts would be mitigated, the Council's Environmental Health and Consumer Protection section advise that this plan is acceptable and subject to a condition requiring delivery and the restriction of working hours on site, construction related impacts could be mitigated.
114. In order to control light spillage from the site for amenity purposes, but also to address heritage/landscape and ecological objective a condition requiring the approval of a detailed lighting strategy is proposed.
115. In relation to land contamination the applicant has submitted a phase 2 desk top study and a site investigation and gas monitoring report. However further work is required in relation to gas monitoring the Council's Environment, Health and Consumer Protection Officer (Contaminated Land) advise a conditional approach to further land contamination investigations including site sampling to secure mitigation is required in accordance with policies U11 and U12 of the CDLP which are considered consistent with Part 15 of the NPPF in this respect.
116. The application is accompanied by an air quality assessment (AQA) with subsequent supplementary submissions also made and these have been considered by Environment, Health and Consumer Protection.
117. In respects to the construction phase of the development Environment, Health and Consumer Protection raise no objections though it is stated that means of suppressing dust and particulates should be adopted during construction via a Dust Action Plan and this can be conditioned. In respects to the operational phase of the development the vehicle generation is below the indicative criterion detailed in relevant IAQM Guidance (a change of Light Duty Vehicle flow of more than 100 on the existing Annual Average Daily Traffic flow) and the AQA therefore concludes there is no further requirement to consider in detail the impacts of vehicular movements during the operational phase of the development. Additional information has been submitted during the course of the application to justify this stance including consideration of cumulative impacts with extant planning permissions.
118. Environment, Health and Consumer Protection have concluded that any impacts upon air quality from the operational movements of this development would not be

significant and no objections in regards to potential impacts upon the AQMA are therefore raised.

119. Overall, it is considered that the proposed development would not adversely impact on the level of amenity currently experienced by neighbouring land users due to the nature of the site, its impacts and distance to sensitive receptors. Subject to controlling the construction related impacts and external lighting it is considered that the development would conform to policies U5 of the CDLP and Part 15 NPPF in this respect.

Ecology

120. Policy E16 of the CDLP sets out that development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site, unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified. This policy is considered consistent with part 15 of the NPPF in this respect which also seeks to ensure that developments protect and mitigate harm to biodiversity interests.
121. The site is not located within any specifically protected site, however the locally designated Houghall, Maiden Castle and Little Woods Local Wildlife Site is located immediately to the south to which CDLP Policy E18 relates and this forms part of a wider wildlife corridor to which Policy E19 relates. A Preliminary Ecological Assessment has been submitted in support of the application which concludes that the development would not directly affect the woodland itself in terms of construction or increased use. In terms of the site itself, no priority habitats are identified whilst there is limited opportunity for protected species to be present. A number of mitigation and compensation measures are proposed including the design of a sensitive lighting scheme to avoid light spillage, timing of works to avoid the bird nesting season and the planning of a species rich wildflower meadow.
122. The submitted information has been reviewed by the Councils Ecology Officer who advises that the methodologies and conclusions of the report are sound and subject to the delivery of the proposed enhancements, compensations and mitigation, the development would result in a net gain for biodiversity. In turn the development would satisfy planning requirements under policies E16, E18 and E19 of the CDLP and paragraph 174 of the NPPF. Policies E16 and E19 are considered fully and E18 partially consistent with the NPPF and each can be attributed weight in the decision making process.

Flooding and Drainage

123. 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.
124. The application site is within flood zone 1 with a low flood risk probability. A detailed drainage scheme has been submitted for the development, where surface water would be attenuated on site using SUDS before being discharged at a greenfield run off rate to Northumbrian Water's Drainage Network.

125. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to.
126. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to policies U8a, U9 and U10 of the CDLP which are considered either fully (U8a) or partially (U9 and U10) consistent with Part 14 of the NPPF in this respect.

Other Issues

127. The application is accompanied by a Sustainability Statement which identifies a commitment to utilising air source heat pumps to provide all the cooling to the building alone with a photovoltaic array which will provide a minimum of 10% of total regulated energy consumption via renewable sources. In this regard the proposed development is considered compliant with CDLP Policy U14 (which is considered fully consistent with the content of the NPPF) and Part 14 of the NPPF.
128. CDLP Policy Q15 seeks to encourage the provision of artistic elements in the design and layout of proposed development and is considered an applicable policy to the development. The NPPF is silent on art though is supportive of creating well designed spaces. Where such elements are not proposed in the development Policy Q15 seeks a financial contribution in lieu of this would be expected. Having regard to the Community Infrastructure Levy (CIL) Regulations and advice contained at NPPF, planning obligations ensured via a S106 legal agreement should be; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.
129. Public art provision is not necessary to make the development acceptable – the development can remain acceptable without either public art installations on site or indeed offsite contributions.
130. Objection received on the application includes requests that the determination of the application be paused until the University Masterplan has been submitted and furthermore objection is raised on the grounds that the proposals form part of an overall masterplan which constitutes Environmental Impact Assessment (EIA) development and thereby should be accompanied by an Environmental Statement (ES). Further objections consider that the application should not be determined until accommodation for the additional students who would utilise the building is identified/resolved. The Council has undertaken an EIA screening exercise and concluded that the development does not constitute EIA development. As part of this exercise consideration was given to the potential for cumulative impact with other development. The Durham University Masterplan presents only the broad principles of how the University may develop its estate in the upcoming years and this links to a wider and more general University Strategy both of which are essentially aspirational documents about the potential future of the University rather than firm project proposals. The application explains that the provision of the new maths and computer sciences building is sought for a number of reasons, not solely to cater for predicted growth but also providing an up to date facility where maths and computer science research and learning requirements compliment one another to their fullest potential. It is considered that there are no substantive reasons for refusing to determine the application at this stage or recommending refusal on the grounds that it is in effect premature.

Planning Balance

138. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.
139. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances Paragraph 11 of the NPPF advises that the presumption in favour of sustainable development means that development proposals should be approved unless there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
140. In this instance, no policies of the NPPF identify that there is a clear reason for refusing the development, a residual adverse impact has been identified in relation to the transformative landscape/townscape harm of the development to the immediate setting of the site. However it is considered that this residual adverse impact in the planning balance is outweighed by the established social and economic benefits that improved University education accommodation would bring. Accordingly, the identified adverse impact doesn't significantly and demonstrably outweigh the benefits. As a result and having regard to the content of the CDLP and on the balance of all material planning considerations, including comments raised in the public consultation exercise, it is considered that the proposals are acceptable and approval is recommended.

CONCLUSION

141. The development would conflict with Policy EMP2 and to a limited degree policy E5 of the CDLP representing educational development on a safeguarded employment site whilst the scale of the development would exceed the height of surrounding landscaping in places. However policy EMP2 is considered out of date, whilst there is considered limited conflict with policy E5.
142. The overall planning balance is considered to rest upon whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits
143. In this instance, no policies of the NPPF identify that there is a clear reason for refusing the development. A residual adverse impact has been identified in relation to the transformative landscape/townscape harm of the development to the immediate setting of the site. However it is considered that this residual impact in the planning balance is outweighed by the established social and economic benefits that improved University education accommodation would bring. The development would have a neutral impact on the setting of the World Heritage Site and have an acceptable impact in the wider landscape. Given the limited car parking proposed and established connections to the site there would be no impact on highway safety.

144. The proposal has generated some limited public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject the following conditions:-

Time limit for implementation

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.

Approved Plans

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

Plan	Drawing No.	Date Received
Path from Hollingside Road - Proposed	SI-ZZ-DR-L-0071 Rev P02	02/07/18
Path from Hollingside - Planting	SI-ZZ-DR-L-0072 Rev P01	02/07/18
SITE SECTION AND 3D VIEWS	DR-A-2002-S2-P2	07/06/18
Site Plan - Level 01	SI-01-DR-L-0003 rev P04	07/06/18
Site Sections	SI-XX-DR-L-0050 rev P03	07/06/18
Paving Details	SI-XX-DR-L-0060 rev P03	04/06/18
Secure Cycle Compound	SI-XX-DR-L-0061 rev P03	04/06/18
Cycle Shelter	SI-XX-DR-L-0062 rev P03	04/06/18
Site Plan Overview (shown at Level 01)	SI-ZZ-DR-L-0001 rev P08	04/06/18
Indicative Levels and Gradients	SI-ZZ-DR-L-0010 rev P03	04/06/18
Site Plan - Level GF Area around the building	SI-ZZ-DR-L-0002 rev P04	04/06/18
Existing Trees to be removed/retained	SI-ZZ-DR-L-0020 rev P03	04/06/18
Circulation Plan	SI-ZZ-DR-L-0030 rev P03	04/06/18
Vehicle Tracking	SI-ZZ-DR-L-0031	04/06/18
Furniture Strategy	SI-ZZ-DR-L-0035 rev P03	04/06/18
Planting Strategy	SI-ZZ-DR-L-0040	04/06/18
GA Plan Level 00	RYD-00-00-DR-A-3001rev3	04/06/18
GA Plan Level 01	RYD-00-01-DR-A-3002revP4	04/06/18
GA Plan Level 02	RYD-00-02-DR-A-3003revP3	04/06/18
GA Plan Level 03	RYD-00-03-DR-A-3004revP3	04/06/18
GA Plan Roof	RYD-00-04-DR-A-3005revP3	04/06/18
Sub station plans, sections and elevations	RYD-XX-00-DR-A-9808revP1	04/06/18
External Elevations	RYD-XX-XX-DR-A-0002revP3	04/06/18
GA Sections	RDY-XX-XX-DR-A-0003revP1	04/06/18
Proposed Drainage Layout Plan	RDY-XX-XX-DR-C-1000revP2	21/08/18
External Build Ups Details	3E-00-XX-DR-C-40001Rev P1	21/08/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E5, E21, E22, T1, T10, T20, Q1 and Q2 of the City of Durham Local Plan and parts 6,8,9,12,14, 15 and 16 of the NPPF.

Materials

3. No development other than preliminary enabling works relating to tree removal, tree protection, formation of site access, setting up of site cabins/welfare facilities and the formation of foundations/piling shall take place until full details, including samples and sample panels, of all external materials to be used in the formation of the buildings/extensions hereby approved have been first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development must be completed in accordance with the approved details.

Reason: In the interests of the character and amenity of the conservation area in accordance with Policies E5, E6, E10, E21, E22 and E23 of the City of Durham Local Plan and parts 12, 15 and 16 of the National Planning Policy Framework.

Landscaping Implementation

4. The landscaping detailed on plan DUMSCS-00B-SA-ZZ-DR-L-0040 Rev P04 shall be implemented in the first planting season following the first occupation of the building hereby approved. Any tree scheduled for protection on plan SI-ZZ-Dr-L-0020 Rev P03 shall be protected by the erection of fencing in accordance with BS.5837:2010 before development commences. The protection measures shall be retained for the duration of the construction period.

Reason: In the interests of the character and amenity of the conservation area in accordance with Policies E5, E6, E10, E21, E22 and E23 of the City of Durham Local Plan and parts 12, 15 and 16 of the National Planning Policy Framework.

Cycle Parking Implementation

5. The Cycle Parking detailed on Plans DUMSCS-OOB-SI-XX-DR-L-0061 Rev P03, DUMSCS-OOB-SI-XX-DR-L-0062 Rev P09 and DUMSCS-OOB-SI-01-DR-L-0003 Rev P04 shall be installed and made available for use prior to the first use of the building hereby approved.

Reason: In order to encourage sustainable transport methods, in accordance with Q2 and T20 of the City of Durham Local Plan and parts 8 and 9 of the National Planning Policy Framework.

Travel Plan

6. Within a period of six months of the first occupation of any part of the development a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with parts 8 and 9 of the National Planning Policy Framework.

Ecology mitigation Implementation

7. The development shall be carried out in accordance with the mitigation outlined within the Preliminary Ecological Appraisal ref DurUni_M&C_Eco1.2, dated May 2018, compiled Dendra Consulting Ltd.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with policy E16 of the City of Durham Local Plan and Paragraph 170 of the National Planning Policy Framework.

Working Hours

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

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

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of adjacent land users from the development to comply with policy U5 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.

Construction Management Plan

9. The development shall be carried out in strict accordance with the mitigation outlined within the Construction Management Plan consisting of the following documents:

Covering Letter to DCC, Sir Robert McAlpine Dated June 2018
Health and Safety Plan, Ref: HSMP01 PR01 FM01 Rev 00
Statutory Nuisance Guidance Note, Ref: EMP02 GN13 Rev 09

Reason: To protect the residential amenity of adjacent land users from the development to comply with policy U5 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.

Archaeology

10. No Development shall commence until the Archaeological Evaluation Written Scheme of Investigation DS17.3833r4 Complied by Durham University Archaeological Services Dated February 2018 has been completed. The evaluation report shall be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: To safeguard any Archaeological Interest in the site, and to comply with paragraphs 189 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

External Lighting

11. Notwithstanding the submitted information, prior to the installation of any external lighting on the site, a lighting strategy shall be submitted and thereafter approved in writing with the Local Planning Authority. This strategy shall include:

A description of the proposed lighting units including height, type, angling and power output for all lighting

Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of adjacent neighbouring properties;

Details of the Sky Glow Upward Light Ratio, and Luminaire Intensity.

Operational times of lights

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

Reason: In the interests of the amenity of surrounding land uses, character and appearance of the surround area to safeguard ecological interests and in and in order to comply with policies E5, E6, E10, E16, E21, E22, E23 and U5 of the City of Durham Local Plan and parts 12, 15 and 16 of the National Planning Policy Framework.

Land Contamination

12. The development shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) a Phase 2 Site Investigation and Risk Assessment shall be carried out for any phase before any development commences on that phase to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out for that phase. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: 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, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with policies U11 and U12 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition as the site contamination investigation/mitigation must be devised prior to the development being implemented.

Plant Noise Levels

13. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Reason: In the interests of the amenity of surrounding land uses, and in and in order to comply with policy U5 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.

Dust Action Plan

14. No development shall take place until a Dust Action Plan has been first submitted to and then approved in writing by the Local Planning Authority. The Dust Action Plan shall detail measures to suppress dust during the construction phases of the development. The development must be constructed/implemented in accordance with the content of the approved Dust Action Plan.

Reason: In the interests of the amenity of surrounding land uses, and in and in order to comply with policy U5 of the City of Durham Local Plan and Parts 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

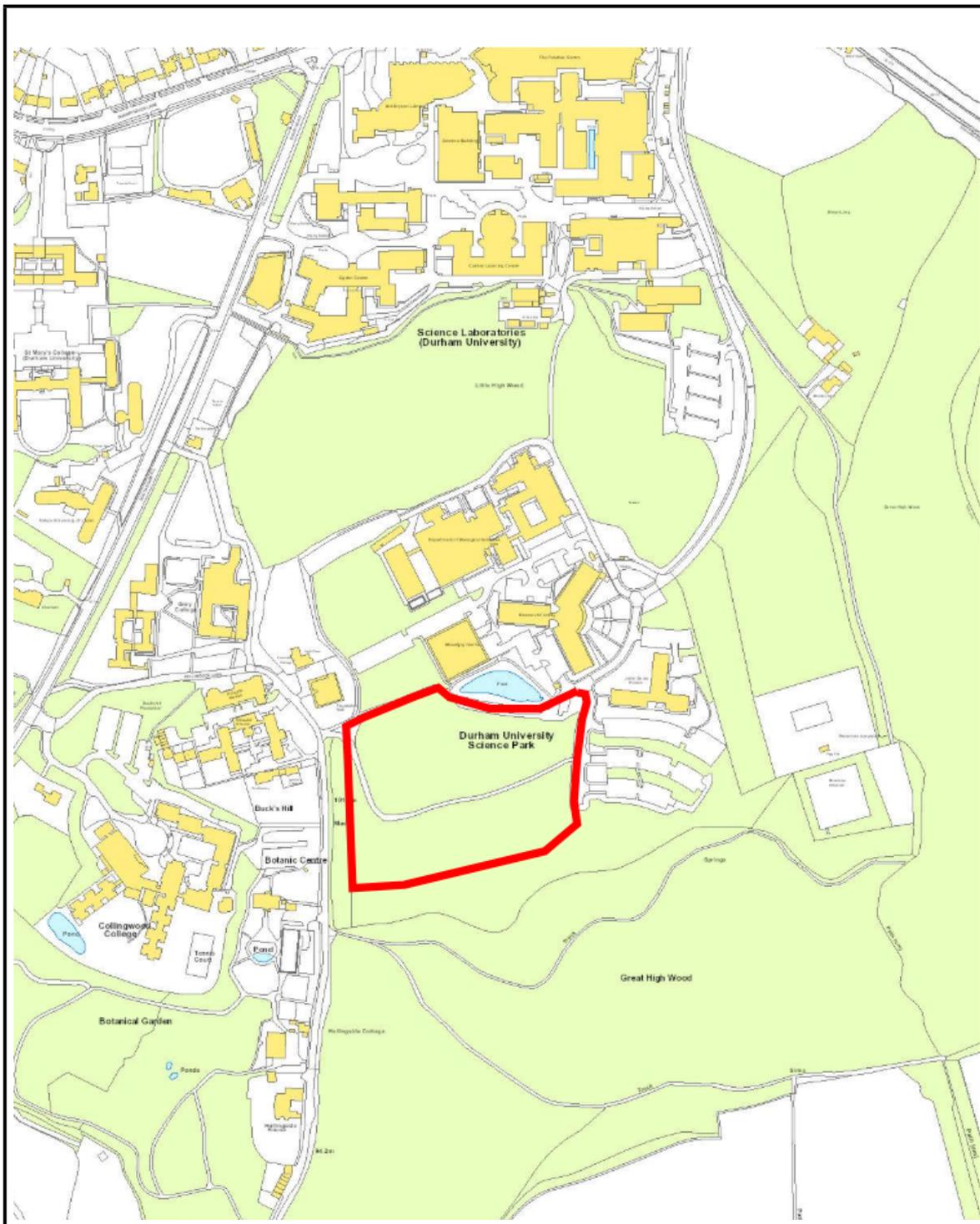
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan (2004)

Statutory, internal and public consultation responses



Services

Planning

DM/18/01650/FPA

Land To The South Of Durham University
Mountjoy, Research Centre, Stockton
Road, Durham, DH1 3UP

Erection of Mathematical Sciences and
Computer Science building with associated
works and access

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Comments

Date 4 September
2018

Scale Not to scale

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03546/FPA
FULL APPLICATION DESCRIPTION:	Proposed upgrade of existing poultry unit including the demolition of 12 existing poultry sheds and the erection of 4 poultry sheds.
NAME OF APPLICANT:	Amber Real Estate Investments Ltd
ADDRESS:	Hurworth Burn Farm, Wingate
ELECTORAL DIVISION:	Wingate
CASE OFFICER:	Chris Shields, Senior Planning Officer 03000 261 394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an existing poultry farm located on the C24 Hurworth Burn Road, approximately 3km to the east of Trimdon. At the north west edge of the site closest to the road is a bungalow occupied by the site operator. The majority of the site is occupied by the 12 existing poultry sheds. The existing sheds each measure 48.8m by 13.7m and have a total capacity for 165,000 broilers (chicken raised for meat).
2. The site is bounded by tree planting on all sides with views of the development restricted to the highway access. The site is not within any landscape or ecological designations and there are no public rights of way within, or in close proximity to the site. Hurworth Burn Reservoir Local Wildlife Site (LWS) is located approximately 300m to the north east of the site and Pike Whin Bog Site of Special Scientific Interest (SSSI) is located approximately 900m to the east. There are no heritage assets close to the site. The site is entirely within a Coalfield Development Low Risk area.
3. The nearest residential properties to the proposed development are Hurworth Burn Farm located approximately 177m to the east, Hurworth Burn House and Hurworth Burn Cottage approximately 380m to the east, Red Hurworth Farm 460m to the north and East Holling Carr 750m to the west.

The Proposal

4. It is proposed to demolish the 12 existing poultry sheds and replace them with 4 new sheds. The existing sheds are all identical in size and shape and each measure 48.8m by 13.7m. The new sheds would all be 24.4m wide and 5.6m in height to the ridge (2.4m to the eaves). 2 of the sheds would measure 115.8m in length and the other 2 would be slightly shorter at 103.7m. Each of the 4 sheds would be supplied by three 20 tonne capacity feed bins (240 tonnes total on site).
5. The sheds would be constructed with timber walls and profiled steel sheeting roof. Polycarbonate windows would be fitted to the roof to allow natural lighting when available
6. Construction works would involve demolition and clearance of existing sheds and breaking up of existing concrete pads for use as a base for the new concrete floor.
7. The combined capacity of all 4 sheds at a stocking density of 38kg/m² would be approximately 240,000 birds. The operation of the site would be based on a 42 day growing cycle; birds (broilers) would be purchased as day old chicks consisting of a mixture of males and females. The sheds would be pre-warmed and the floors spread with a litter of wood shavings and straw to a depth of 20mm. Birds will be kept in the sheds for up to 42 days before being removed from the site. The litter would be disposed of by HGV prior to the site being power washed, disinfected and dried ready for the next cycle. Based on this process the site would accept approximately 6.5 cycles per annum.
8. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES, additional environmental information and that arising from statutory consultations and other responses.
9. This planning application is being reported to the Strategic Planning Committee because it is a major development.

PLANNING HISTORY

10. The application site has been in use as a poultry farm with manager's cottage for approximately 50 years. Prior to this the site was in agricultural land.

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section

of the report. The following elements of the NPPF are considered relevant to this proposal.

13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 - Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 - Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at

unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

21. NPPF Part 16 - Conserving and enhancing the historic environment. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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; natural environment; noise; 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:

Easington District Local Plan 2001(EDLP)

22. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with a range sustainable development principles and criteria while benefiting the community and local economy.
23. *Policy 3 – Protection of the Countryside -* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
24. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.
25. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
26. *Policy 19 – Management of Areas of Nature Conservation Interest -* Areas of nature conservation interest, particularly those of national importance will be protected and enhanced. Measures include, encouraging landowners to adopt sympathetic management regimes, creation of habitat in development proposals and controlling inappropriate development in accordance with policies 14-18.
27. *Policy 35 – Design and Layout of Development -* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

RELEVANT EMERGING POLICY:

The County Durham Plan

28. Paragraph 48 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 relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highway Authority* – Has raised no objections. Officers have advised that an additional 10 HGV/tractor movements (5 in, 5 out) over the existing is not seen as being significant.
30. *Drainage and Coastal Protection* – Has raised no objections. Officers have noted that the design of the system has not been proven to flood during the required storm frequencies but any flooding experienced would be limited to the site itself before draining to the watercourse.
31. *Environment Agency* – Raise no objections. Advice is provided to the applicant in relation to their existing environmental permit and the requirement to vary it.

INTERNAL CONSULTEE RESPONSES:

32. *Landscape* – Has raised no objections. Officers have advised that the site is within a Landscape Conservation Priority Area where the strategy is to conserve and enhance
33. *Arboriculture* – Raise no objections. Officers have noted that the proposed development is close to trees on the eastern boundary and there is a risk of damage occurring during construction. It is therefore requested that the tree protection measures are secured by condition.
34. *Ecology* – Raise no objections. Officers have requested that the mitigation and biodiversity enhancement measures set out in Sections 7 and 8 of the Preliminary Ecological Appraisal are secured by condition.
35. *Environmental Health and Consumer Protection (Air Quality)* – Raise no objections. Officers have advised that as there no relevant receptors within 100m of where the poultry sheds would be located there is no requirement to screen for PM10 particulates, undertake monitoring or carry out a more detailed assessment by dispersion modelling.
36. *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objections. Officers have considered the proposal in relation to the relevant Technical

Advice Notes (TANs) for odour and noise and advise that there would be no greater impact than the existing site.

PUBLIC RESPONSES:

37. The application has been publicised by way of press notice, site notice, and individual notification letters. 1 letter of representation has been received from Durham Bird Club, advising that the area is important for the many birds that use the habitats surrounding the Castle Eden Walkway. It is noted that the proposal would be likely to bring about environmental improvements for the area but it is requested biodiversity enhancements be made by installing nest boxes within the fabric of the building or on towers around the site.

APPLICANTS STATEMENT:

38. The poultry industry is going through an intense period of investment in new and replacement facilities with increased demand for chicken.
39. A large number of poultry farms were built in the 1960's and 70's and have now come to the end of their operational life. They therefore require investment and upgrading to bring them in line with modern environmental standards and best techniques for operation. All large scale poultry units have to have an environmental permit to operate, and customers expect them to operate in line with best available techniques. Therefore on older sites upgrade has become essential. This is the case with the present site.
40. Even with recent investment the UK still imports roughly 40% of its poultry meat requirement. Some of the larger supermarkets still import chicken from Brazil and Thailand, particularly for sandwiches and ready meals, with meat imported frozen for onward processing.
41. With the uncertainty of BREXIT, and future international trade, the ability to grow more food in this country relying less on imports is of significant importance. As well the issue of food security there are clear environmental and animal welfare benefits of not importing food from around the world.
42. The proposed site is well suited for a poultry unit, given its existing use as a poultry unit, and the fact it is away from residential areas. The proposed upgrade will allow for modern buildings which meet the current high environmental standards. Due to modern ventilation and management systems, plus better insulation, many of the issues traditionally associated with poultry units, particularly of the age of the present unit, won't be factors going forward.
43. The proposal is for significant investment by the owners of the site. This will ensure its long term viability and protect and expand the current employment at the site.
44. Poultry rearing involves many industries and units such as this will support numerous jobs in the supply chain including feed companies, hatcheries, cleaning companies and transporters. Without new units the UK will have to continue to rely on more imported meat.
45. The application has involved a number of specialist inputs via the Environmental Impact Assessment process. All consultees within the process are happy with the proposal having regard to issues such as airborne pollution risks, transport, water disposal and ecological factors.

46. Any queries raised during the application, of which there have been few, have been addressed.
47. One of the major advantages of the site is that it is existing, and the distance from residential and other sensitive development. In summary the site is ideally placed for the proposed upgrade scheme, this will ensure minimal environmental impact as demonstrated in the application, and is supported by planning policy. Therefore the proposal should be approved.

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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI2O4RGDKFH00>

PLANNING CONSIDERATIONS AND ASSESSMENT

48. 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, design, landscape and visual impact, highway safety and access, ecology, residential amenity and flood risk and drainage and other matters.

The Principle of Development

The Development Plan

49. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that the degree of weight to be afforded to existing Local Plans is dependent upon the degree of consistency with the NPPF.
50. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

51. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.

52. The key policies for the determination of this application are EDLP Policies 1 (General Principles of Development) and 3 (Protection of the Countryside). The site is located within an agricultural field and which clearly forms part of the open countryside. Policy 3 states that development outside of defined 'settlement limits' will be regarded as development within the countryside and will not be approved unless allowed by other policies. Due to this very restrictive approach the Policy is considered to be only partially consistent with the NPPF, which does not place strict barriers on development in the countryside. Instead, emphasis is placed upon balancing harm of development against the prospective benefits. Policy 1 is considered to be consistent with the NPPF in most respects but is also overly prescriptive in terms of locational criteria. Policies 1 and 3 are therefore not fully consistent with the NPPF and the weight to be afforded to the policies must be reduced as a result. The prescription of how much weight should be given to these policies in the decision is a matter for the decision-maker, having regard to advice at Paragraph 213 of the NPPF. Also, because the evidence base which underpins these policies is not up to date, they must also be considered to be out of date policies with the result that the presumption in favour of granting planning permission contained in paragraph 11 of the NPPF applies.
53. Part 6 of the NPPF provides support for the development of agricultural businesses and provides allowances for this type of development to not necessarily be in, or adjacent to existing settlements, or in locations that are well served by public transport. The proposed development is located on a remote site approximately 3km to the east of the nearest settlement. Notwithstanding this, the C24 road provides an adequate connection to the A19 trunk road to the east and no objections have been received from Highways officers in response to the continued and intensified use of the site. Paragraph 83 of the NPPF supports the development and growth of agricultural businesses with well-designed new buildings that respect the character of the countryside.
54. The proposed development would be an expansion to an existing agricultural business utilising new buildings that would be in keeping with the type normally associated with agricultural and, in particular, poultry farming. It is therefore considered that the proposal would accord with the NPPF in terms of the principle.

Design

55. EDLP Policy 35 seeks to ensure that the design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers. Paragraph 127 of the NPPF supports developments that function well and add to the quality of the area for the lifetime of the development.
56. The proposed development would replace old buildings that are no longer fit for purpose with new structures that would meet current environmental and welfare standards whilst retaining an agricultural appearance similar to the existing. The buildings would have a functional appearance but even with the proposed increase in

capacity they would not expand beyond the existing site boundaries. Public viewpoints are limited due to perimeter screening and a relatively flat topography. The main viewpoint available would be from the C24 road and from this point all that would be seen would be the gables of the buildings and from this view the appearance would be typical of agricultural sheds.

57. The design of the proposed sheds is considered to be acceptable and fit for purpose and would accord with EDLP Policy 35 and Part 12 of the NPPF. Policy 35 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.

Landscape and visual impact

58. EDLP Policies 1 (i) and 3 seek to protect the visual amenity and openness of the countryside by setting development limits around existing settlements, and restricting developments unless under special circumstances. As set out above, although these policies are considered broadly consistent with the NPPF, they do not rely on up to date evidence, and as such, they are considered out of date, thereby triggering Paragraph 11 of the NPP and can also only be afforded limited weight. EDLP Policies 35 and 1(iv) seek to promote a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and have no serious effect on visual intrusion.
59. The application site is screened on all sides by tree planting with a gap on the northern boundary with the highway where the access and managers house are located. This screening would remain in place, however, the development would be close to the adjacent trees on the eastern boundary and it is likely that some removal would be required to facilitate the build.
60. There are no public rights of way in close proximity to the site and there is no pedestrian footpath on the C24 road as a result the only views of the site would be fleeting glances by motorists through the gap at the site entrance. The proposal to replace the existing large sheds with alternative large sheds would be unlikely to register as a significant change from this viewpoint and it is considered that the visual impact would be minimal.
61. Landscape and Arboricultural officers have raised no objections to the proposal. Subject to tree protection measures being secured by condition it is considered that the proposal would not have an adverse landscape or visual impact in accordance with EDLP Policies 1 and 3 and Part 15 of the NPPF.

Highway Safety and Access

62. EDLP Policies 1 and 36 require that development proposals achieve a satisfactory means of access onto the wider highway network, seek to protect highway safety in terms of vehicle movements and traffic generation. 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. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
63. The site would continue to utilise the existing access onto the C24 road. The site has a wide entrance with good visibility. Average weekly HGV movements for the existing site are 23.

64. The proposed development would operate on 42 day cycles with relatively fixed volumes in terms of goods in and out. On average, there would be 33 HGV movements per week (16.5 in, 16.5 out), however, in practise there are higher numbers at the beginning and end of the cycle. In week 1 there would be 22 movements to account for the delivery of chicks, feed and gas for heating and at week 7 there would be 112 movements when the majority of the birds are collected. In the intervening weeks there would be between 6 and 14 movements per week for feed deliveries and 2 for collection of dead birds.
65. Highways Officers have raised no objections to the proposal stating that the average weekly increase of 10 HGV movements is not significant. The scheme is there considered to accord with EDLP Policies 1 and 36 in this respect and Part 9 of the NPPF.

Ecology

66. EDLP Policies 16, 18 and 19 seek to protect sites of nature conservation importance, and protected species and their habitats whilst seeking to promote the creation of habitats within in developments. These Policies are considered consistent with Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, whilst seeking to archive a biodiversity gain.
67. The applicant has submitted a preliminary ecological appraisal in support of the application. The appraisal includes a desk study, phase 1 habitat survey and tree roost assessment. The appraisal identifies that the site itself and buildings to be demolished are not of habitat value for bats, nesting birds, Great Crested Newts or reptiles. It is identified that the wider landscape, rough grassland and hedgerows may provide habitat for nesting birds, bats, amphibians and reptiles and it is recommended that lighting on site be restricted, works carried out to avoid nesting bird season and vegetation within the site regularly mown to deter reptiles and amphibians. It is also recommended that bat and bird boxes be fitted to the boundary trees as a biodiversity enhancement measure.
68. The Council's Ecology officer has raised no objections to the proposal provided that the mitigation and biodiversity enhancements proposed are secured by condition. The installation of bird boxes around the site would also meet with the request received from Durham Bird Club. Subject to this condition being imposed the development is considered to accord to EDLP Policies 16, 18 and 19 and Part 15 of the NPPF.

Residential Amenity

69. EDLP Policies 1 and 35 require the design and layout of development to have regard to the amenity of those living or working in the vicinity and take into account existing land uses. These Policies are considered to be consistent with the NPPF. Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
70. The nearest residential properties to the proposed development are Hurworth Burn Farm located approximately 177m to the east, Hurworth Burn House and Hurworth Burn Cottage approximately 380m to the east, Red Hurworth Farm 460m to the north and East Holling Carr 750m to the west. Trimdon is the nearest settlement located 3km to the west of the application site.
71. The application is accompanied by assessments for noise and odour. The assessments conclude that although the proposed facility would house a greater

number of birds the environmental improvements would reduce noise and odour emissions. Improvements in the plant and machinery on site, including ventilation fans and feed silos would reduce noise levels over the existing, old equipment. Likewise, the new buildings would be designed and operated in a manner which reduces odour generating conditions, such as reducing moisture in the litter.

72. During the construction period it is likely that there could be localised impacts from additional vehicle movements, noise and dust. To mitigate these issues it is recommended that a construction management plan be required by condition.
73. Environmental Health and Consumer Protection officers have raised no objections to the proposal noting that it would be acceptable in relation to noise, odour and air quality and it is therefore considered that the scheme would comply with EDLP Policies 1 and 35 and Part 15 of the NPPF.

Flooding Risk and Drainage

74. 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.
75. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. Details of the drainage system have also been provided. Drainage and Coastal Protection officers have assessed the proposal and commented that the system would control flows offsite at the agreed discharge limit, however, this may result in the site flooding during storm conditions. As any overflow would find its way quickly to the River Skerne and there would be no harm to any neighbouring land owners, no objections are raised. The Environment Agency also has no objections to the proposal and it is therefore considered that development would accord with Part 14 of the NPPF.

Other Matters

76. The applicant has submitted an archaeological desk based assessment in support of the application. The assessment considered records held by the Durham Historic Record, a range of relevant archaeological books, journals and unpublished reports for archaeological work in the search area. The archaeological assessment considers a wider area than what was used for the final design as the proposal now only extends very slightly beyond the footprint of the existing buildings. Notwithstanding this, the report concludes that the available evidence suggests limited potential for archaeological remains at the site. It is therefore considered that the proposal would have cause no harm to heritage assets in accordance with Part 16 of the NPPF.
77. The site is located with a Coalfield Development Low Risk area. This does not require any further submission of documents or assessment but standing advice would be provided to the applicant, should planning permission be granted.
78. Due to the nature of the development the site currently operates with an Environmental Permit. This would continue to be required but may need to be varied.

Planning Balance

79. This proposal is considered to be outside of any settlement boundaries and is contrary to EDLP Policies 1 and 3 in this respect. However, as a result of relevant policies being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 of the NPPF. No specific policies within the NPPF which protect areas or assets of particular importance are considered to provide a clear reason for refusing planning permission and therefore planning permission should be granted unless the adverse impacts of so doing significantly and demonstrably outweigh the benefits.

Benefits

80. The development would replace the existing aging poultry sheds at Hurworth Burn Farm with new buildings that meet with modern environmental and welfare standards. The buildings would not extend beyond the confines of the existing site but would provide accommodation for an additional 85,000 birds per cycle thereby improving efficiency and adding to the local economy. Therefore there are environmental impact improvements over the existing buildings in terms of reduced noise and odour.

Adverse Impacts

81. During the construction period there may be minor localised impacts but a construction management plan would be required through condition. There would be, on average, an additional 10 HGV movements per week. Overall, it is considered that there would be no adverse impacts arising from the proposals. Accordingly, there are no adverse impacts which significantly and demonstrably outweigh the benefits of the proposal so planning permission should be granted.

CONCLUSION

82. The proposed development would provide replacement sheds for an existing poultry farm. The existing buildings are approximately 50 years old and need to be replaced to meet operational and welfare standards. The proposal would increase production from the site without significantly impacting on highway safety, landscape or residential amenity.
83. Although the proposal would conflict with EDLP Policies 1 and 3 it would accord with all other relevant saved policies in the EDLP and relevant parts of the NPPF in terms of sustainable rural development. There are no adverse impacts arising from the proposal sufficient to outweigh the benefits.
84. The proposal has generated minor public interest, with one letter providing comments having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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 92 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

SITE LOCATION PLAN 1:2500 @ A4
LM01 – LANDSCAPE MASTERPLAN – REV A
PROPOSED FLOOR PLAN Drawing No. 1324/L101 REV A
PROPOSED SITE PLAN Drawing No. P-100-03 Rev. C
PROPOSED ACCESS HIGHWAY Drawing No. P-100-02
PROPOSED ELEVATIONS Drawing No. 1324/L103 REV B
DRAINAGE STRATEGY Drawing No. 3812-C-09-01
APPENDIX 1 TREE PROTECTION PLAN
APPENDIX 1 PHASE 1 HABITAT PLAN

Reason: To meet the objectives of Policies 1, 3 and 35 of the District of Easington Local Plan 2001 and Part 15 of the National Planning Policy Framework.

3. No development of any phase 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 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

4. The development hereby permitted shall only be carried in accordance with the recommended Mitigation and Enhancement Strategy contained within Sections 6 and 7 of the approved Preliminary Ecological Appraisal (Eco-Check Consultancy Ltd, May 2018).

Reason: To meet the objectives of Policies 1, 14, 15 & 18 of the District of Easington Local Plan 2001 and Part 15 of the National Planning Policy Framework.

5. Prior to the commencement of development a tree protection scheme including root protection zones, mitigation works and any trees that need to be pruned shall be submitted for approval in writing. The approved scheme shall be implemented on site for the duration of construction works.

Reason: To protect trees during construction in accordance with Policies 1 and 3 of the District of Easington Local Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (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 (2018)
- National Planning Practice Guidance Notes
- Easington District Local Plan 2006
- Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>DM/17/03546/FPA Proposed upgrade of existing poultry unit including the demolition of 12 existing poultry sheds and the erection of 4 poultry sheds at Hurworth Burn Farm, Wingate</p>	
<p>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</p>	<p>Comments</p>	
	<p>Date September 2018</p>	<p>Scale Not to scale</p>

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