



Area Planning Committee (Central and East)

Date Tuesday 13 November 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Last Meeting held on 9 October 2018 (Pages 3 - 18)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/18/01943/FPA - New College Durham, New College Road, Framwellgate Moor, Durham, DH1 5ES (Pages 19 - 32)
Three storey extension to existing building and associated landscape works.
 - b) DM/18/02665/FPA - Miners Meadow, Wheatley Hill, Durham, DH6 3AW (Pages 33 - 44)
Reinstatement and repair of former cricket club building and extension to convert to 2 bed disabled self-catering holiday accommodation with vehicular access.
 - c) DM/18/02161/FPA - Land To The North Of Hackworth Road, North West Industrial Estate, Peterlee, SR8 2JQ (Pages 45 - 64)
Gas fuelled capacity mechanism embedded generation plant to support the National Grid – Resubmission.
 - d) DM/18/02152/OUT - St Andrews Park, Dragon Lane, Gilesgate, DH1 2RH (Pages 65 - 86)
Erection of retail development (Use Class A1) with associated access, parking and landscaping (with all matters reserved except for access).
6. 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
5 November 2018

To: **The Members of the Area Planning Committee (Central and East)**

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan,
M Davinson, D Freeman, A Gardner, K Hawley, S Iveson, P Jopling,
R Manchester, J Robinson and O Temple

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 9 October 2018** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Blakey (substitute for I Cochrane), G Bleasdale, D Brown, K Corrigan, M Davinson, D Freeman, S Iveson, P Jopling, A Laing (Vice-Chairman), R Manchester, J Robinson, O Temple and H Bennett (substitute for J Clark)

Also Present:

Councillors A Hopgood, J Maitland and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors J Clark and I Cochrane.

2 Substitute Members

Councillor H Bennett substituted for Councillor J Clark and Councillor J Blakey substituted for Councillor I Cochrane.

3 Minutes

The minutes of the meeting held on 11 September 2018 were confirmed as a correct record by the Committee and signed by the Chairman, subject to the inclusion of apologies for absence in for Councillor S Iveson.

4 Declarations of Interest

There were no Declarations of Interest submitted.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

a DM/18/00080/FPA - Land North of St. Ives Place, Murton

The Senior Planning Officer, Barry Gavillet, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for 24 no. bungalows, 4 no. dormer bungalows and 22 no. two storey houses (50 dwellings) and was recommended for approval, subject to conditions and a Section 106 (s106) Legal Agreement as set out within the report.

The Senior Planning Officer, BG noted the site had been cleared around 25 years ago, with housing on the site previous to this, and was bounded on the south, east and west by existing residential dwellings. He explained a hedgerow to the north of the site would be retained and there were no objections from statutory or internal consultees, save the Education Section noting a lack of school places in the area, with a contribution in relation to school places therefore being set out as part of the proposed s106 Legal Agreement. Members noted that the s106 Agreement would also seek contributions towards the Durham Coastal Management Plan and provision of play facilities within the Electoral Division. It was noted that the application was for 100% affordable housing.

The Senior Planning Officer, BG informed Members there had been three letters of objection with concerns including: traffic; loss of open space; there already being too many houses in the area; and not being sufficient school places.

It was explained by the Senior Planning Officer, BG that the application was acceptable in principle, being in a sustainable location on a previously developed site. He added that it was felt there would not be impact in terms of residential amenity and highways and that the issue in terms of school places was dealt with by way of the s106 contribution, noting the figure being subject to a viability appraisal, checked by the Council's Assets Section. Members noted the 100% affordable provision, with a large number of bungalows and that the recommendation was for approval.

The Chairman thanked the Senior Planning Officer, BG and asked Councillor J Maitland, Local Member for the Murton Division to speak in relation to the application.

Councillor J Maitland noted that she, and her fellow Divisional Member, Councillor A Napier, supported the application. She added it was great that there was a good provision of bungalows within the application, effectively doubling the provision within Murton and reiterated that she supported the application.

The Chairman thanked Councillor J Maitland and asked Mr J Brooks, Agent for the Applicant, to speak in support of the application.

Mr J Brooks noted he was from Indigo Planning Consultants and represented the Applicant, the County Durham Housing Group (CDHG). He noted the benefits of the scheme had been set out by the Senior Planning Officer, BG as well as the rationale for a recommendation for approval. He noted that the application had received no objections from statutory and internal consultees, and that the application was in accord with the National Planning Policy Framework (NPPF) and was not resisted by the saved Easington District Local Plan in terms of the land use. He reiterated the points previously mentioned in terms of: 100% affordable housing provision, provision of bungalows; surrounded by existing housing; greater than minimum parking provision; and quality design incorporating wheelchair user adaptable standards. Mr J Brooks concluded by noting the s106 contributions and that he asked the Committee to approve the application for quality, affordable housing for County Durham as per the Officer's recommendation.

The Chairman thanked Mr J Brooks and asked Members of the Committee for their comments and questions.

Councillor O Temple noted he too supported the application, however, asked for clarity in terms of statements at paragraph 64 of the report relating to an Inspector expressing reservations in terms of housing supply calculations. The Solicitor – Planning and Development, Clare Cuskin noted that there had been a number of Appeals Decisions that had contradicting views, however notwithstanding the latest Government policy was such that the Authority could demonstrate a greater than five year housing supply and therefore the Officer opinion was that they did not agree with the Inspector in this regard.

Councillor A Laing moved that the application be approved, she was seconded by Councillor G Bleasdale.

RESOLVED

That the application be **APPROVED** subject to the conditions and s106 Legal Agreement as detailed in the Officer's report.

b DM/18/01745/OUT - Land and Buildings West of Hallfield Drive, Hall Walk, Easington Village

The Senior Planning Officer, BG, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, BG advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for residential development (outline, all matters reserved) and was recommended for approval, subject to conditions and a Section 106 (s106) Legal Agreement as set out within the report.

The Senior Planning Officer, BG noted some amendments to the conditions as set out within the report: the s106 contribution to be “£323.92 per dwelling”; and for delegated authority in terms of restricting to a maximum of nine dwellings, with seven at the “bottom” site and two at the “top” site.

The Senior Planning Officer, BG noted the two areas within the application site, just outside of the settlement boundary, close to the A19 dual carriageway. He explained that in negotiation with the Applicant the majority of the area of land would be left as open space, with this remaining as a green buffer with the A19. Members noted some unused agricultural buildings located on the lower site that would be removed as part of the development. He added that the smaller site represented a logical extension to the row of existing properties.

In relation to statutory consultees, the Senior Planning Officer, BG noted that Easington Parish Council had objected to the application on the grounds of increased traffic and associated problems with access and egress from the site onto the B1285.

Councillor M Wilkes entered the meeting at 1.20pm

Members noted that in relation to noise from the A19 at the reserved matters stage mitigation measures such as triple glazing and acoustic barriers would be sought. He added there were no objections from internal consultees subject to a contribution in relation to the Durham Coastal Management Plan, noting the Highways Section had noted they felt a safe scheme of access would be achievable at the reserved matters stage.

The Senior Planning Officer, BG noted that there had been six letters of objection in terms of application, with concerns including: impact upon school places; ecology; and residential amenity. The Officer reiterated that it was felt at the reserved matters stage that all matters relating to highways; landscaping; scale; and residential impact could be adequately met. He concluded by noting that the application was felt to be in a sustainable location and that therefore the outline application was recommended for approval subject to the s106 Legal Agreement and conditions set out within the report, with the amendments as previously mentioned by the Senior Planning Officer, BG.

The Chairman noted the Applicant was in attendance and was happy to answer any questions from the Committee if required. He noted no other registered speakers and therefore asked the Committee for their questions and comments.

Councillor M Davinson noted he had attended the site visit earlier in the day and the two parcels of land were as described within the report and he could not see any reason why development would not be a success and moved the recommendation for approval, subject to the amendments as mentioned by the Officer. He was seconded by Councillor A Laing.

RESOLVED

That the application be **APPROVED** subject to the conditions and s106 Legal Agreement as detailed in the Officer's report, with the amendments as detailed by the Officer within his presentation.

Councillor D Freeman entered the meeting at 1.30pm

c DM/18/02035/FPA - The Gate House, Dalton-le-Dale, Seaham

The Senior Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, PH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for partial change of use of existing stable/barn to 10 dog kennels and construction of freestanding storage building and was recommended for approval, subject to conditions as set out within the report.

The Senior Planning Officer, PH noted the application was part retrospective, in terms of the change of use, with the freestanding storage that was proposed being a new pre-fabricated structure. It was explained that access would be the same as The Gate House, from the B1432 and plans showed the site layout and context with other nearby properties. Members noted there had been no objections from statutory consultees and that the Environmental Health and Contaminated Land Sections had no objections, subject to conditions.

The Senior Planning Officer, PH noted there had been objections from Local Members and also from Dalton-le-Dale Parish Council who had cited concerns relating to detrimental impact from noise, odour and drainage. It was added there had been four letters of objection received, with issues including: impact upon residential amenity; overlooking and loss of privacy; parking and means of access; drainage and the storage and removal of waste material; impact upon existing trees; the retrospective nature of the application; animal welfare; loss of property value; disruption during the construction phase; discrepancies within the application; and restrictions placed upon use.

The Senior Planning Officer, PH noted that the application was for permission for the applicant only, and was conditioned as such, for his use only and only for the period which he occupies the building. In response to objections relating to noise, the Council's Environmental Health Section had noted no objections to the application, with suggested mitigation and conditions. In terms of managing waste, the Applicant had noted less than best practice in the past, however, had agreed to appropriate mitigation and also that a Kennel Management Plan be submitted to the Planning Authority.

The Senior Planning Officer, PH noted that the design was deemed to acceptable, with the existing structure not being altered externally and the proposed new structure not being incongruous with the area. It was noted the Highways Section had no objections, with the use not being for business and use being restricted. Members noted that it was felt drainage issues could be dealt with via condition and there had been no objections from Northumbrian Water or the Contaminated Land Section.

The Senior Planning Officer, PH noted that the balance test within paragraph 11 of the NPPF noted refusal if the harm “significantly outweighed the benefits” and added that given the positive use of part of an existing building, the restriction to personal use by the applicant, and suite of conditions as set out in the report the recommendation was therefore for approval.

The Chairman thanked the Senior Planning Officer, PH and asked Local Councillor, J Maitland to speak in relation to the application.

Councillor J Maitland noted she spoke on behalf of both herself and fellow Local Member, Councillor A Napier in objection to the application. She added she had spoken to the Officer and had asked for the application to be determined by Committee so that all the issues could be looked at. It was noted that she felt 20 dogs was a lot, two per kennel, and she had visited the site. Councillor J Maitland added that there were 4-5 houses in close proximity to the site and that she felt in summer they would need to close doors and windows in respect of odour. She asked in terms of the conditions within the report, who would monitor and enforce these. Councillor J Maitland noted she would ask that the Committee refused the application.

The Chairman thanked Councillor J Maitland and asked the Chairman of the Dalton-le-Dale Parish Council, Parish Councillor Mrs M Oliver to speak in objection to the application.

Parish Councillor M Oliver thanked Members for the opportunity to address their concerns to the Committee. She explained that their initial objections centred around control of noise, odour, site drainage, the disposal of foul water and the close proximity of the site to neighbouring properties. She added that matters regarding site drainage and the disposal of foul water, had, in their opinion been addressed. It was explained that the Parish Council still maintained their objection with regard to noise, odour and the close proximity of the site to neighbouring properties.

Parish Councillor M Oliver noted that Members attended the site and therefore would note the close proximity of local residents to the application site, it being no great distance away to other properties. She noted Members would hear further representations by local residents, and they had their own important points to make on the matter.

Parish Councillor M Oliver explained there were a number of children living with residents in close proximity to the site, with some of these being foster children with sensory differences. It was added that these sensory differences can affect behaviour, and can have a profound effect on a person's life.

Parish Councillor M Oliver noted that their health and wellbeing had suffered as a result of burning waste and bedding materials. It was noted that children like to play outside and that parents were naturally concerned for their welfare and added that barking and howling dogs would only create more distress.

Members were referred to paragraph 108 of the NPPF which stated that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects, including cumulative effects, of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It was added that they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. Parish Councillor M Oliver explained that they believed that this development will have a significant adverse effect on the health and quality of life of those people living nearby. She added that the Environmental Health team commented on this in their initial response and she noted 20 dogs, housed two per kennel had the potential to generate notable levels of noise particularly if the animals became distressed causing them to bark and howl for continuous periods. Parish Councillor M Oliver explained that the follow-up response from Environmental Health, following two site visits, when only 10 dogs were housed, was that the 'granting of planning permission for the development may potentially result in a statutory nuisance being created'. Parish Councillor M Oliver noted that the addition of a further 10 dogs would simply exacerbate this situation and that one would expect the applicant to operate with the maximum capacity in the facility should it be approved.

Parish Councillor M Oliver noted that agreeing the application would have a significant adverse impact upon the residential amenity of surrounding occupiers, affecting their health and quality of life from environmental and neighbourhood noise. She added that the noise policy statement for England, to be read in conjunction with the NPPF, referred to this.

Parish Councillor M Oliver noted Members may consider that reasonable steps were being proposed to mitigate and minimise adverse effects on health and quality of life sufficient to mitigate the potential for a statutory nuisance. However, she added that the underlying fact remains clear to the Parish Council, taking into account the guiding principles of sustainable development, as detailed in the NPPF, and the second aim of the Noise Policy Statement for England, it did not mean that such adverse effects cannot occur. She added that she would ask the Committee to consider the matter carefully.

Parish Councillor M Oliver noted that the NPPF stated that development should protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for that reason.

It was added that Parish Council had noted the planning conditions proposed to control the precise nature of the use, the number and breed of dogs housed, however, they were unfortunately still of the opinion that the development would have a significantly adverse impact in terms of noise, odour and their quality of life for the reasons outlined.

Parish Councillor M Oliver also pointed out that the Planning Officers report expresses disappointment that some of the works have already been completed and as such were unauthorised. It was added the Parish Council were also disappointed that this has happened and were concerned that illegal burning of animal waste has occurred. Parish Councillor M Oliver suggested a registered trainer would have known these rules and regulations.

Parish Councillor M Oliver thanked the Committee for listening to the points raised and reiterated the Parish Council felt the adverse impacts of the application outweighed the benefits and urged the planning committee to give the matter very careful consideration and refuse the application.

The Chairman thanked Parish Councillor M Oliver and asked Ms E Reay to speak in objection to the application.

Ms E Reay explained she had been asked to speak on behalf of the residents at Committee today regarding the change of use application. She added that residents had all sent letters of objections to Planning Officers and noted they had not been published on the Planning Portal, accordingly Ms E Reay noted she would summarise some of the points.

Ms E Reay noted The Greyhound Board of Great Britain (GBGB) have categories of greyhound trainers as: Professional; to train a maximum of 12 dogs; Owner/Trainer who shall train a maximum of 2 without the need for licensed kennels; and Hobbyist, up to 6 dogs

Ms E Reay noted the Applicant had been running Dalton Kennels Limited, which was only dissolved on 2 October 2018, which she presumed was for the benefit of the planning application. She added that the Applicant was named, together with the occupants of The Gate House, as persons of significant interest and control of the Applicant's wife's company, Hesledon Enterprises Limited. Ms E Reay noted at Paragraph 65 of the Planning Officer's report the statement that the site would be used for personal use as part of an ongoing hobby was probably a temporary matter and would probably be resurrected as part of Hesledon Enterprises if planning permission is granted.

Ms E Reay added that at paragraph 5 the application was noted as being retrospective, stating 10 dogs were housed in a barn. She asked why then did it show on UK Dog Racing that the Applicant was already the trainer of 16 runners. She added that the application did not meet the requirements of GBGB as the plans did not meet the appropriate drainage, fencing, flooring, exercise paddock requirements.

Ms E Reay referred to paragraph 27 and asked if the Applicant had gained permission from GBGB to exceed his number of greyhounds and also asked if the Recorder data actually been verified, as dogs barking all day and every day had been witnessed by all immediate neighbouring properties.

Ms E Reay noted paragraph 39 stated that the number of dogs in the future would not increase and added that it had been noted and seen by an Enforcement Officer when he visited the barn that there were excessive amounts of dogs in the barn before this application was even submitted. In reference to paragraph 40 she noted existing residential properties were actually between 25 and 27 metres away.

In reference to paragraph 42 she explained that only one resident was asked to Lodge barking issues and although other residents reported barking problems, which are all day and every day, this did not seem to have been recorded or reported. Ms E Reay added that in paragraph 43 the Officer had stated that the increase in dog numbers had the potential to cause further noise and asked therefore why planning permission was being recommended. She added that paragraph 45 of the planning report stated that greyhounds generate less noise than some other dog breeds. Ms E Reay noted this was not the case when you have a pack of dogs, as witnessed at most greyhound events.

Ms E Reay referred to paragraph 62 where the Officer stated that it was disappointing that some of the works have already been carried out. She noted that the Applicant only applied for permission after he was reported to the Council. She added that paragraph 65 stated that the Applicant was a hobbyist, though she felt that with sixteen greyhounds under his control he could not be classed as a hobbyist.

Ms E Reay noted both the Applicant and his wife worked full time and therefore she felt there was a question in terms of who would look after the extra animals: 20 greyhounds; three horses; ducks, geese, chickens; and their own house dogs.

Ms E Reay asked, if permission were granted, who would police activities at the application site noting that surely Durham County Council could not afford their Officer's time and cost to an already overstretched budget. She also noted the access was on to a 60 mph road and it was asked if Highways had been consulted.

Ms E Reay noted some residents had moved to Cold Hesledon with foster children with special needs, because of the nature of our little community and the once peaceful nature and life we used to have. She noted that these children's welfare needed to be considered and they should be allowed to live a peaceful and happy life, that they have not had in the past, without noise from barking dogs and the constant turmoil that we have endured over the past months.

Ms E Reay noted residents would urge the Planning Committee to refuse the application on the grounds of the detrimental impact the application would have on resident's quality of life because of noise and odour which would impact on our everyday lives.

She added that the upset this planning application has caused a small community was massive, to the point where some residents had considered putting their properties up for sale after living and loving being in Cold Hesledon for over twenty years. She noted residents had suffered for months during the long hot summer with burning of waste, barking dogs to the point they could not leave windows and doors open. Ms E Reay noted that the planning application, if approved, would have a detrimental and sad impact on residents and noted resident urged the Committee refuse the application.

The Chairman thanked Ms E Reay and asked the Applicant, Mr P Bedding to speak in support of his application.

Mr P Bedding noted his wife had asked neighbours as regards noise, with a reply being "if we heard noise, you would know". He noted that a noise activated recorder had not recorded any howling or barking from the dogs. He added that Members had attended the site earlier today and noted that the dogs had not barked during the visit, only one bark, and no barking when Councillors had entered the kennels. He explained that when the dogs were exercising they did not bark.

Mr P Bedding explained he had young children and added that in terms of noise and odour, the nearby industrial estate, around 30 metres away, had two spray painting facilities, and there was odour from the industrial estate. In terms of incinerating waste, he had been advised as regards how to properly dispose of waste and this would be collected weekly by the Council.

Mr P Bedding noted the barn had been in place around 30 years and the new property nearby had been built around three years ago and there had been no complaints until the planning application had been submitted. He added he had not known as regards the requirement for a change of use, however, as soon as he was aware he had submitted an application.

Mr P Bedding noted objectors had referred to barking, however, the dogs owned by those people barked, Jack Russells and a German Shepherd, more so than Greyhounds. He added on the subject of noise there was more significant noise from sirens from the nearby Ambulance Station, located at the industrial estate.

In reference to having 16 runners, Mr P Bedding noted this was not the case and that keeping and racing greyhounds was a hobby to be enjoyed in his retirement, and that the numbers proposed were in order to have a number of runners in the event of any dogs becoming lame or if they came into season. He noted his wife's business was her own.

Mr P Bedding noted that wildlife had not and would not be harmed, adding no trees would be cut down and that there were no restrictions in term of his property. He noted that property values had not been affected and that proposed new addition had been deemed to not look out of place. He noted there would not be access before 6.00am or after 8.00pm and reiterated that as he has small children himself, he would not wish to upset anyone. He asked that the Committee consider the recommendation of their Officer and approve the application.

The Chairman thanked all the speakers for their comments and asked the Senior Planning Officer, PH to respond to some of the points raised.

The Senior Planning Officer, PH noted that in terms of noise recording and issues, a representative from Environmental Health was in attendance at Committee. In reference to the application being retrospective, the Senior Planning Officer, PH noted this was a legitimate process by which application could be made to seek to regularise a situation and the Applicant had every right to use this mechanism. In reference to a comment asking if the Highways Section had been consulted, he reiterated that they had and that they had not objected on the basis the application was for personal use and with the conditions as proposed within the report.

The Senior Planning Officer, PH added that there were also conditions within the report as regards noise and times as regards use would be covered within the Kennel Management Plan. He added that in terms of who would enforce the conditions, then this would be for the Authority, with there being mechanisms in place for resident to report any issues.

The Chairman thanked the Senior Planning Officer, PH and asked the Committee for their comments and questions.

Councillor A Laing noted in her opinion the amenity of nearby residents was being affected, with barking at night and she noted the proximity to nearby properties had been shown in the Officer presentation and on the site visit. It was added an issue in terms of noise was still open with the Authority. Councillor A Laing noted that she was not reassured in terms of being able to mitigate impact by personal use or a management plan. She added that she felt noise will occur and that by virtue of this disturbance that the residential amenity of those living nearby would be negatively impacted, contrary to saved Easington Local Plan Policies 1 and 35 and Paragraph 180 of the NPPF. Accordingly, Councillor A Laing moved that the application be refused.

Councillor J Robinson noted he seconded the motion for refusal of the application and asked how 20 dogs in addition to the other animals mentioned could be managed effectively. The Chairman noted that when on the site visit it was clear the other animals mentioned were located in another area, not the application site.

Councillor P Jopling noted that when attending the site visit the dogs looked very well kept, however, she tended to agree with the comments from residents in terms of potential commercial activity in the future.

Councillor O Temple asked as regards enforcement action and paragraph 6 of the report, in relation to no trade or business and the dogs to be owner by the Applicant only. He asked how ownership was established. The Chairman noted that it was now a requirement for dogs to have a microchip that would carry such details. The Senior Planning Officer, PH noted a standard condition had been used in this regard that was felt to be fit for purpose in this regard. The Chairman allowed the Applicant to speak in order to clarify, Mr P Bedding noted that the dogs were microchipped and registered with the GBGB.

Councillor J Blakey noted concern in respect of potential issues and added that any animals lame or in season would still be on site and therefore potentially have an impact.

Councillor D Brown noted he was wary of retrospective applications, however, given the Officer's report and the two explanations given, he felt the Applicant should be given the benefit of the doubt. He added that within the Applicant's statement he had noted the high GBGB standards included "greyhound proof" fencing. Councillor D Brown noted that there were no gates leading on to the main road and therefore this did not seem secure.

The Senior Environmental Health Officer, Ted Murphy noted that in terms of noise, odour and concerns as regards a number of dogs in close proximity, his site visits had not indicated any issues. He noted indeed that three of the four complaints as regards noise were closed, with two of them having stated there had been a measureable improvement at the site. In terms of the remaining outstanding complaint, he noted a letter had been sent out to ask for more evidence within 10 days else the matter would be closed.

Councillor O Temple asked if the motion for refusal fell, did this mean the application was approved. The Chairman noted that if that motion fell, then any other motion, including that for approval as per the recommendation, would require a proposer and seconder as usual prior to a vote. The Chairman noted the motion for refusal had been proposed and seconded and asked Members to vote.

RESOLVED

That the application be **REFUSED** as it would, by virtue of noise and disturbance, result in an adverse impact on residential amenity for the occupiers of the nearby dwellings, which could not be sufficiently mitigated by planning conditions, contrary to Policies 1 and 35 of the District of Easington Local Plan and Paragraph 180 of the NPPF.

d DM/18/01943/FPA - New College Durham, New College Road, Framwellgate Moor, Durham, DH1 5ES

The Senior Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a three storey extension to existing building and associated landscaping works and was recommended for approval, subject to conditions as set out within the report.

The Senior Planning Officer, PH noted the setting of the existing college and the proposed extension. He explained that it was proposed in order to provide specialist IT classrooms, workshops, conference rooms and also include an external storage hardstanding area.

It was added there had been no objections from statutory consultees and no objections from internal consultees, subject to conditions, including those relating to landscaping.

Members noted the key consideration and the Senior Planning Officer, PH noted NPPF paragraph 11 and Part 8 in terms of the application and noted the previous redevelopment of the college in 2005. He noted that the design and scale were well considered and deemed acceptable subject to conditions. The Senior Planning Officer, PH noted that access would be unaltered, however, there would be a loss of 21 parking spaces, though no objections had been raised in relation to this by Officers.

The Senior Planning Officer, PH noted that Local Members had raised concerns in relation to the loss of parking, though he reiterated there had been no objections from the Highways Section, though a condition relating to an update to the travel plan could be included. He concluded that the recommendation was for approval.

The Chairman noted that Councillor A Hopgood, Local Member for the area was in attendance to speak in relation to the application.

Councillor A Hopgood thanked the Committee for the opportunity to speak in relation to the application. She noted she wished to make it very clear that she, fellow County Councillor Divisional Members and Parish Councillors welcome the facilities as described and considered New College Durham to be an excellent asset and did not object to the application in principle. She added that however there were a number of concerns in relation to the increase in the number of students and the lack of an up-to-date travel plan. Councillor A Hopgood noted the Highways Section had offered no objections, however, she asked were they aware of the additional numbers that would attend the college and in turn how this would affect highway safety. She noted there were several examples where applications had asked for travel plans and these had not been brought forward or had been unenforceable. Councillor A Hopgood noted that the application should be considered in conjunction with other activity and proposed developments within the area, including: the strategic site at Aykley Heads, including the current County Hall site; extensions to Accident and Emergency at the University Hospital of North Durham; the Arnison Centre; and Northumbrian Water.

She therefore asked if the Committee would defer the application, in order for an amended travel plan to be produced, with the opportunity to work with Local Members in this regard.

The Chairman thanked Councillor A Hopgood and asked Mr I Lambert representing the Applicant to speaking in support of the application.

Mr I Lambert reiterated the many virtues of the college, noting with was outstanding, and added that in general the Further Education sector was “on its knees” from a lack of funding. It was explained the application was important in terms of Science, Technology, Engineering and Mathematics (STEM). He added it was felt that issues of parking were overshadowing the benefits of the application and that the college offered free bus passes, with a 90% uptake.

He noted that not all 16-18 year olds were able to afford a car and that not all students were timetabled 9am-5pm, Monday to Friday, some only three days a week. He concluded by noting it was not felt that parking was an issue and that approximately 10 spaces may be needed in approximately 3 years.

The Chairman thanked Mr I Lambert and asked the Council's Strategic Traffic Manager, Dave Wafer, to comment on the issues raised.

The Strategic Traffic Manager noted that there was already a significant car park already and that it had been assessed that it would be unlikely that there would be impact to the highways network as a result of a reduction of 21 car parking spaces. He reiterated the point made in relation to a 90% uptake in free bus passes by students and noted there was not the opportunity for students to park outside of the college as residents' schemes prevented this. It was noted the existing travel plan had been produced a while ago and a condition could be used in terms of seeking a new and updated travel plan to be provided. He added that as parking at Framwellgate Moor was time-limited this would not be impacted upon.

The Chairman thanked the Strategic Traffic Manager asked Members of the Committee for their comments and questions.

Councillor M Davinson noted the issues that had been raised by the Local Member, Councillor A Hopgood, and agreed that an updated travel plan and speaking to Local Members would be useful and therefore proposed deferral of the application, Councillor A Laing seconded the proposal.

Councillor O Temple noted that it was not known what the impact would be on numbers of students and teachers, as there was not up-to-date evidence in terms of the current usage and he agreed with the motion for deferral. He added that he felt all Members were supportive of New College and applauded the important work they undertook, however, there was a duty to protect local residents.

RESOLVED

That the application be **DEFERRED**.

e DM/18/01875/FPA - Greenhill's Farm Cottage, Wheatley Hill, DH6 3QS

The Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of a hangar building for storage of micro-light aircraft and was recommended for approval, subject to conditions as set out within the report.

The Planning Officer noted that the application site was on the outskirts of Wheatley Hill and the site was already used for micro-lights, with the existing hangar provision not being sufficient, a number having to remain outdoors currently and there being a waiting list in terms of people wishing to store their aircraft. Members noted the use, parking and club house were as per previous permission and that there had been no objections from consultees, and with one letter of support having been received. The Planning Officer noted that it was felt the benefits of the scheme outweigh any impacts and therefore the application was recommended for approval. She concluded by noting that “no objection” from the Ecology Team was subject to an amendment to condition relating to mitigation measures as referred to within the ecological assessment being adhered to.

The Chairman noted there were no registered speakers and asked the Committee for their comments and questions.

Councillor A Laing moved the application be approved subject to the amendments to the condition as mentioned by the Planning Officer, she was seconded by Councillor J Blakey.

RESOLVED

That the application be **APPROVED** subject to the conditions as detailed in the Officer’s report, with the amendment as detailed by the Officer within her presentation.

Councillor J Robinson left the meeting at 2.50pm

f DM/18/02224/FPA - Part of Vacant Warehouse, McIntyre Way, Durham City Retail Park

The Senior Planning Officer, Colin Harding, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the insertion of a 1,672 sq.m mezzanine floor and was recommended for approval, subject to conditions as set out within the report.

The Senior Planning Officer, CH noted the Committee had previously considered applications for the insertion of mezzanine floors at this site, having been approved. He explained that the changes to the proposed mezzanine configuration were as a result of different potential businesses being associated with the vacant unit over a period of time, each having differing requirements.

It was explained there had been no objections and there were no restrictions in terms of the goods to be sold at the site. The Senior Planning Officer, CH noted that as policies were not considered to be up-to-date then it was considered to be a NPPF paragraph 11 balance. He added that the requisite sequential test had been undertaken and the application was felt to be appropriate in that regard.

Members were reminded of the extant permission in terms of a mezzanine that provided the Applicant with a strong fall-back position, and reiterated that the recommendation was for approval.

The Chairman noted there were no registered speakers and asked the Committee for their comments and questions.

Councillor M Davinson moved the application be approved, he was seconded by Councillor A Laing.

RESOLVED

That the application be **APPROVED** subject to the conditions as detailed in the Officer's report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01943/FPA
FULL APPLICATION DESCRIPTION:	Three Storey Extension to Existing Building and Associated Landscape Works
NAME OF APPLICANT:	Mr Ian Walton, New College Durham
ADDRESS:	New College Durham, New College Road, Framwellgate Moor, Durham, DH1 5ES
ELECTORAL DIVISION:	Framwellgate and Newton Hall
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises part of an existing and well established college facility at New College Durham, Famwellgate Moor, Durham. The school offers a wide variety of educational courses and higher education qualifications ranging from construction and engineering workshops, health and beauty salons, sports and performing arts and general teaching and it is understood that the facility is used by both students and the local community.
2. The site is located to the north west of Durham City Centre and is bounded by the A167 and open space to the west and housing to the north, south and east, the latter being separated from the existing buildings by several sports pitches.
3. In terms of existing buildings the site comprises a large main building of notable footprint which is set to the north of 2 smaller buildings of three storey height set parallel to the A167 to the west. In addition, the site also includes a large college car park between the main entrance to the south and the buildings to the north.
4. With regards to access the site is served by a vehicular access taken from Dryburn Road and it is also noted that a public right of way bisects the site north–south between the buildings and sports pitches.

The Proposal

5. Full planning permission is sought for the erection of a three storey extension to the existing college building at New College Durham with associated hard and soft landscaping.
6. The proposed extension would be positioned to the northern elevation of the existing technology building which is the largest and most northerly of the three existing buildings already present on site and would mirror the height, width and design of the existing block.

7. Overall the extension would be approximately 32.4 metres long by 46.8 metres wide with a maximum height of 10.5 metres. External surfaces would be finished in a mix of brick and grey and silver composite cladding and include roller shutter doors to the northern elevation and a pedestrian access to the western elevation.
8. The extension would be used to improve and increase the range of educational facilities offered from the site and create approximately 3209sqm of workshop and teaching accommodation spread over 3 floors comprising a mix of carpentry and brick workshops to the ground floor, classrooms (including specialist IT classrooms) and 2 further workshops to the first floor and a conference room to the second floor.
9. The proposal also includes the provision of soft and hard landscaping to the northern and western elevations comprising a hard paved area and path providing pedestrian access to an entrance at ground floor supplemented by an area of grassed to the western elevation, and hard standing external storage area for building materials to the northern elevation which would include areas for the storage of brick and timber.
10. Hours of use would mirror the existing arrangement at the college and be 08:30 to 21:00 Monday to Friday, 08:30 to 13:00 Saturday with no opening Sundays, Bank or Public Holidays.
11. The application is being reported to planning committee as it is major development as defined by the Council's Scheme of Delegation.
12. The application was originally reported to planning committee in October 2018 at which Cllr Hopgood and Wilkes attended with the former making representation to the committee regarding concerns in relation to the impact of the proposal upon existing parking provision. At the meeting members deferred the application to allow the submission of additional information in this regard and as such the application is now accompanied by a Travel Summary Statement assessing the impact of the development upon existing parking provision within the college site.

PLANNING HISTORY

13. There is no planning history relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

14. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
15. 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 of the NPPF are considered relevant to this proposal;
16. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted

17. *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.
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 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

City of Durham Local Plan

20. 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.
21. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
22. 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.
23. 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.
24. 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.
25. 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.
26. Policy Q1: General Principles – Designing for People states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
27. Policy Q2: General Principles – Designing for Accessibility states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.

28. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
29. 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.
30. 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.
31. 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.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

23. Paragraph 213 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *The Highway Authority* has reviewed the submitted Summary Transport Statement and raises no objection to the application.
25. *Northumbrian Water Limited* has no objection to the application but notes the presence of NWL equipment within the application site.

INTERNAL CONSULTEE RESPONSES:

26. *Environmental Health Section (Noise Action Team)* originally raised no objection to the application subject to the inclusion of planning conditions requiring the submission and agreement of a noise impact assessment prior to the operation of any plant, and the submission of precise details of lighting and a construction management plan. The applicant has since submitted details of all lighting and a construction management plan to which the Environmental Health Section raises no objection.

27. *Landscape Section* has no objection to the application but notes the requirement to provide a detailed landscaping scheme to include planting to the eastern and western boundaries which could be secured through planning condition.

PUBLIC RESPONSES:

28. The application has been publicised by way of site notice, press notice and notification letters to neighbouring properties to which no representations have been received.

APPLICANTS STATEMENT:

29. The proposals for the extension to the existing technology Block at New College Durham are to assist the college in delivering new STEM focussed subjects and courses. The scheme, following the completion of the advanced manufacturing centre in 2017 will allow the college to align modern, fit for purpose, specialist education programmes with the requirements of industry and business. Ensuring New College Durham students are given the best possible opportunities with tangible skills and knowledge to enter employment on completion of their studies. In addition to the significant education opportunities the proposals will help deliver, the construction of the STEM centre will allow the college to access other means of funding and industry sponsorship.
30. Architecturally, the proposed extension comprises a simple extrusion of the existing technology block, reflecting the same scale and mass, architectural style, and materials of the existing building.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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 and visual impact, residential amenity, public rights of way and parking, access and highway safety and land contamination.

Principle of Development

32. 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 in this regard. The City of Durham Local Plan (CofDLP) 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. However, the NPPF advises at Paragraph 213 that weight to be afforded existing Local Plan policies depends upon their degree of consistency with the NPPF.
33. The City of Durham Local Plan (CofDLP) was adopted in 2004 and was intended to cover the period to 2006. 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.

34. Whilst, policy C4 of the CofDLP provides a policy framework which supports new development by New College Durham on the Campus at Framwellgate Moor, this policy has expired and as such cannot be afforded weight in determination of this planning application.
35. Consequently, the application must be determined in accordance with Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development.
36. 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 planning permission unless;
 - i. the application of policies in the NPPF 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 the NPPF taken as a whole.
37. Having regard to the above, the Development Plan is considered to be silent and/or out of date with respect to this proposed development. As a result, the acceptability of the development rests on the planning balance of whether any adverse impact of approving the development would significantly and demonstrably outweigh the benefits, there being no NPPF policies at play which protect areas or assets of particular importance and which provide a clear reason for refusal.
38. Whilst the NPPF does not expressly advise on educational facilities, at Part 8 it nevertheless places emphasis in more general terms to plan positively for community facilities and education developments, particularly schools.
39. In this respect it is noted that educational use at the site is well established with the college being extensively redeveloped in 2005 and facility is used by the local community and in this context the importance of the continued success of the college both for the City and for the wider area is acknowledged.
40. The proposed extension would relate well to this existing use and is therefore considered acceptable in principle subject to proper consideration of the proposal upon design and visual impact, residential amenity, land contamination, public rights of way and parking access and highway safety.

Design and Visual Impact

41. Policy H13 relates to CofDLP 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. In addition, policies Q1, Q2 and Q3 relate to general principles of design in terms of people and accessibility and policy Q5 provides guidance with particular regard to landscaping, requiring all new development that would have an impact on the visual amenity of the area in which it is located, will be required to incorporate a high standard of landscaping in its overall design and layout.

42. The stated policies are considered to display a broad level of accordance with the aims of the NPPF at paragraph 124 which states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
43. The development proposes an extension to the northern elevation of the existing technology building which itself occupies a position to the northern part of the site and would appear as a simple extrusion of the existing architecture, expressed principally as a two storey extension with an inset second floor. In this respect the scale of the extension is considered to match that of the existing building being of similar width and height and utilising the same façade with matching materials and roof light design. Precise details of external materials have been submitted by the applicant for consideration as part of the application and comprise a mix of Kingspan composite cladding and blue smooth lbstock bricks to the walls and Kingspan composite cladding to the roof. The proposed materials would match the existing building and are considered acceptable in this regard.
44. Hard and soft landscaping is proposed to the western elevation which would comprise block paving and a grassed area respectively. The former would provide pedestrian access to a main entrance at ground floor and the latter compliment areas of existing soft landscaping which frame the current building.
45. A larger area of hardstanding would be positioned to the northern elevation and this would provide a service and storage area for deliveries and would replace an existing service area that would be lost to the extension. Whilst this area would be of functional appearance, it would be enclosed by a 2.4 metre high close boarded timber acoustic style fence with galvanised steel vehicle and pedestrian gates. Whilst material would be stored within this area this would take place in designated areas to limited heights with views in the wider area screened by supplementary planting. The submission and agreement of which could be secured through a planning condition. The Council's Landscape Section does not raise any objection to the application but notes the importance of ensuring that appropriate landscape is provided.
46. Subject to the inclusion of planning conditions limiting the height of any material stored externally and the submission and agreement of precise landscape detail and subsequent implementation the development is considered to accord with the requirements of policies H13, Q1, Q2, Q3 and Q5 of the CofDLP and paragraph 124 of the NPPF in that it would not have any unacceptable adverse impact upon the character and appearance of the surrounding locality.

Impact upon Residential Amenity

47. The site is situated to the west of Pity Me and as such the nearest residential properties are those approximately 100 metres to the north and west at Bridgemere Drive and Alexandra Close respectively.
48. Policy H13 of the CofDLP states that planning permission will not be granted for new development which have a significant adverse affect on the character or appearance of residential areas or the amenities of residents within them. This is considered to display a broad level of accordance with the aims of the NPPF at paragraph 180 which states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

49. The site is currently used for education purposes and the proposed use would extend this. Whilst any increase in noise and disturbance would generally be heard in this context any plant or machinery located to the north or east of the building may cause noise disturbance to residential occupiers, particularly those identified at Bridgemere Drive and Alexandra Close.
50. In this respect the Council's Environmental Health Section has reviewed the information and offers no objection to the application subject to planning conditions requiring the submission and agreement of a noise impact assessment prior to the operation of any plant and that the development be carried out in accordance with the submitted details relating to external lighting and the submitted construction management plan.
51. Whilst the proposed extension would be visible in views from those residential properties identified the separation distances are nevertheless considered sufficient to ensure that the development would not have any unacceptable or adverse impact upon the residential amenity of existing occupiers. In this regard, and subject to the inclusion of the conditions identified the development is considered to accord with the requirements of policy H13 of the CofDLP and the aims of paragraph 180 of the NPPF.

Parking, Access, Highway Safety and Public Rights of Way

52. Existing access arrangements would remain unaltered by the proposal and the site would continue to be served by the main vehicular access from Dryburn Road to the south. However, it is noted that the reconfiguration of the existing service area is required and that this would result in the loss of 21 No. parking spaces. In addition, it is also noted that Public Right of Way No. 4 lies approximately 17 metres to the east of the extension beyond an internal access road.
53. Policies T1 and R11 relate to access, parking and public rights of way respectively with policies T1 and T10 stating that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. With regard to public rights of way policy R11 seeks to safeguard and protect the existing network of public rights of way and other paths from development which would result in their destruction unless a suitable alternative route is provided. This is considered to display a broad level of accordance with the aims of paragraph 108 of the NPPF.
- 54. This application was previously reported to planning committee in October 2018 during which members resolved to defer the application having heard representation from the Local Councillor who raised concerns regarding parking provision in order to allow the submission of additional information to assess the impact of the proposal in this regard. The applicant has subsequently submitted a Summary Transport Statement completed by a transport consultant which concludes that the building would accommodate an additional 208 students and 1 member of staff and whilst it would result in the loss of 21 parking spaces at the campus, and a total capacity of 896 spaces would remain.**
- 55. In conclusion it states that the peak demand for parking spaces will increase by 11 (1 staff, 10 students) to 811, that residual spare capacity will be 9% and that the actual residual spare car parking capacity at the campus will range from 20% to 30% across the day, reflecting the variation in the attendance requirements associated with the students at the campus. The campus will remain self-contained in relation to the parking demand following the completion of the proposed STEM extension. Notwithstanding this, the transport summary also confirms the Colleges commitment to providing an updated travel plan which could be secured through planning condition.**

56. **The Highway Authority has reviewed the information and raises no objection to the application noting that the development would not have any adverse impact upon the highway network. In addition, Cllrs Wilkes and Hopgood have confirmed a position of no objection to the application with Cllr Hopgood stressing that any transport/travel plan must be a working document subject to updates as appropriate.**
57. With regard to the public right of way the extension would be sufficient distance from its route to ensure that there would not be any unacceptable adverse impact although the inclusion of a planning informative is advised reminding the applicant that during the construction phase this route be kept free from obstruction.
58. Subject to the inclusion of an informative as described the proposal would not result in any adverse impact in terms of highway safety or the adjacent public right of way and as such the proposal would accord with the aims of policies T1, T10 and R11 of the CofDLP and paragraph 108 of the NPPF.

Land Contamination and Drainage

59. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
60. The applicant has provided a Ground Investigation Report in support of the application which concludes that any risk from previous contamination is considered low, but nevertheless notes a requirement for future gas monitoring. The applicant has submitted details of appropriate Gas Protection Membrane in consultation with the Council's Contaminated Land Section to negate any potential impact in this regard. This detail has been reviewed by the Council's Environmental Health Section along with the Ground Investigation Report and as such offers no objection to the application in this respect which is considered to accord with the requirements of paragraph 178 of the NPPF.

Drainage

61. Policy U8A of the CofDLP states that development proposals will only be approved if they include satisfactory arrangement 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.
62. The development proposes disposal of foul and surface water to existing mains sewer and precise detail has been submitted in this regard. NWL raises no objection to the application, advising only that NWL plant and apparatus does cross the application site but that NWL will contact the applicant direct in this regard. The application is therefore considered to accord with the requirements of policy U8A of the CofDLP in this regard.

Planning Balance

63. As the relevant policies of the EDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

64. The proposal would improve and expand the range of educational services offered from the site and to the local community at a site which is well established for educational use, helping to secure its long term future.

Adverse Impacts

65. Whilst the extension would be visible in the wider landscape, subject to the inclusion of planning conditions relating to the submission, agreement and implementation of a landscaping scheme proposal would not have any adverse impact in this regard capable of outweighing the benefits in the context of paragraph 11 of the NPPF.

CONCLUSION

66. As the CofDLP is silent in relation to the development the presumption in favour of sustainable development is engaged. The development is therefore required to be considered in the context of paragraph 11 of the NPPF, which states that the development be granted planning permission, the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
67. In this regard the extension would improve and expand the range of education facilities currently offered from the site and in this regard the proposal is considered to accord with part 8 of the NPPF which places emphasis in more general terms to plan positively for community facilities and education developments, particularly schools.
68. The extension reflects a high standard of design and mirrors the host building in terms of scale, design and external materials and in this regard and would not appear as an incongruent addition. Whilst the mass of the existing building would increase this would not be to an extent that it would appear overly dominant or adverse impact upon residential amenity, parking, access and highway safety, public rights of way, land contamination or drainage.
69. Therefore when considered in the context of paragraph 11 of the NPPF the proposal would accord with aims of policies H13, Q1, Q2, Q3, Q5, T1, T10 and R11 of the City of Durham Local Plan and Parts 8, 9, 12 and 15 of the NPPF and would not have any adverse impacts which would significantly or demonstrably outweigh the benefits.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved 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.

Drawing No.	Description	Date Received
DR-A-0001-S2-P1	Location Plan	27 June 2018
DR-A-1002-S2-P1	Proposed Site Plan	27 June 2018
DR-A-3001-S2-P4	General Arrangement Ground Floor Plan	27 June 2018
DR-A-3002-S2-P4	General Arrangement First Floor Plan	27 June 2018
DR-A-3005-S2-P1	Proposed Roof Plan	27 June 2018
DR-A-3108-S2-P1	Proposed Site Plan Detail 1	27 June 2018
DR-A-3109-S2-P1	Proposed Site Plan Detail 2	27 June 2018
DR-A-3601-S2-P4	Proposed GA Elevations	24 October 2018
DR-A-3601-S2-P5	Proposed GA Elevations	24 October 2018
DR-A-3801-S2-P1	Typical Sections	27 June 2018
18-ASD	-LIGHTING- SOLUTIONS-2018- ISSUE-2-STEALTH- ELITE-RANGE	19 October 2018
18N2027-100 REV T1	Proposed Drainage Layout	19 October 2018
3219-00 REV P3	Compound Boundary Treatment	19 October 2018

2. Notwithstanding any details of materials submitted with the application external walling shall be finished in a mix of Kingspan composite cladding coloured metallic silver and Ibstock Westbrick Slate Blue Smooth Brick to the walls and Sawtooth Kingspan composite cladding to the roof. The development shall be constructed in accordance with the approved details.

Reason: To protect the character and appearance of the surrounding area in accordance with the requirements of Policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

3. The development hereby approved shall be carried out wholly in accordance with the requirements of the document entitled 'Keir Construction Method Statement' including appendices A to H received 19 October 2018.

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.

4. The development hereby approved shall be carried out wholly in accordance with the requirements of the documents entitled 'RIW GAS SEAL BLACK', 'RIW SHEETSEAL GR', 'RIW LIQUID GMx' and 'Slab Detail' received 31 October 2018. The Gas Protection Membrane as installed shall achieve a gas protection score for a gas resistant membrane of 2 points and gas protection membrane score for 'Cast in-situ monolithic reinforced ground bearing raft or reinforced cast in-situ suspended floor slab with minimal penetrations of 1 to 1.5 points. Upon installation of the measures described, a Verification Report (Validation Report) confirming the results and effectiveness of the membrane shall be submitted in writing for agreement by the Local Planning Authority, within 2 months of completion of the development.

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.

5. Material stored externally within the service area identified on Drawing No. shall not exceed 3 metres in height.

Reason: To protect the character and appearance of the surrounding area in accordance with the aims of policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

6. No plant shall be operated until a detailed noise impact assessment and scheme of sound attenuation has been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant 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. The development shall be carried out in accordance with the approved scheme of attenuation measures and on written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: In the interests of residential amenity in accordance with requirements of policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

7. Within 2 months of the date of this permission a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies H13 and Q5 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact upon the character and appearance of the surrounding area which needs to be considered before site works commence.

8. 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: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

9. Within 6 months of the date of this permission a travel plan shall be submitted to the Local Planning Authority for agreement and the plan shall include provision for regular review. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of highway safety in accordance with the aims of policies T1 and T10 of the Saved and Expired Policies September 2007.

10. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

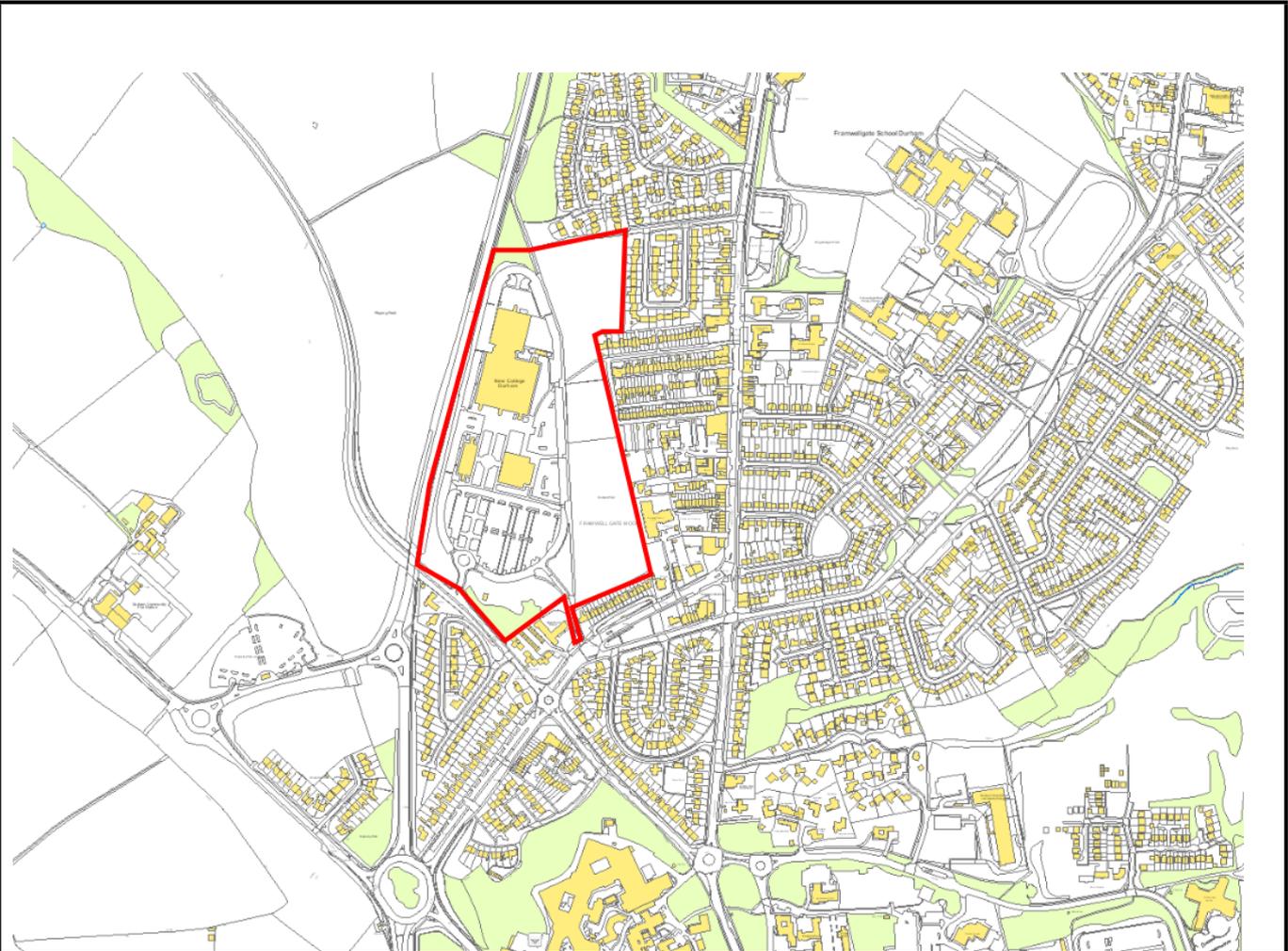
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>Three storey extension to existing building and associated landscape works.</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 13 November 2018</p>	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02665/FPA
FULL APPLICATION DESCRIPTION:	Reinstatement and repair of former cricket club building and extension to convert to 2 bed disabled self-catering holiday accommodation with vehicular access.
NAME OF APPLICANT:	Leslie Thompson
ADDRESS:	Miners Meadow Wheatley Hill Durham DH6 3AW
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Jennifer Jennings

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site consists of the remains of the former cricket pavilion located to the north east of the settlement of Wheatley Hill. When in use, the former buildings would have overlooked the cricket grounds which would have been located to the south east of the building. The remains consist of two separate rectangular buildings, located with the short ends side by side, with one building showing the remains of a double height tower overlooking the grounds.
2. The site is accessed by an existing long gravelled access track, for which there is no record of any planning application. Access to the track would be taken from Patton Walk to the north east, using the same access as that used by the bungalow where the applicant currently resides. The site is surrounded by agricultural fields to the west and north west, the former cricket grounds, currently laid to grass, to the south and east and a former allotment site to the north east.

Proposal

3. The application is a resubmission following refusal in January 2018 for the refurbishment of the former cricket pavilion building and for its conversion to a holiday let. The current scheme is almost identical to the refused scheme apart from a new emphasis on providing disabled accommodation.
4. The building works would involve rebuilding the two rectangular sections and building a glazed link corridor between the two buildings. One of the buildings would contain the main living area, with kitchen and living room, contained within the existing footprint with small external lean to for cycle storage on the north west elevation. The other building would provide the sleeping area, with bedroom and accessible bathroom within the existing footprint of the building and an extension added on the west elevation to allow a double bedroom and bathroom to be accommodated.

5. Externally one of the buildings would be finished in matching brick, whilst the other would be finished in a render finish. Both buildings are proposed to be finished in reconstituted slate on the roofs, with timber windows and doors. A patio area is proposed adjacent to the main living area of the building, with a reinstated dwarf stone wall with timber posts and rope over around the perimeter.
6. No permission was previously sought for the existing track that leads from the rear of the bungalow to the former pavilion site but as it was included within the red line boundary as part of the original refused application, it formed part of the consideration of the proposals on a retrospective basis. The same will apply with the current submission.
7. This application is being reported to Committee at the request of Divisional Councillor Grant in order to consider the tourism benefits of the scheme.

PLANNING HISTORY

8. Planning permission refused on 4 January 2018 for the change of use and refurbishment of former cricket club pavilion and changing room building to provide holiday letting accommodation with vehicular access from the B1279 classified road.

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. 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.
12. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

13. NPPF Part 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.
14. 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.
15. 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.

Emerging Local Plan Policy

16. 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.

LOCAL PLAN POLICY:

District of Easington Local Plan

17. Policy 1 - 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 sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
18. Policy 3 - 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.
19. Policy 7 – Protection of Areas of High Landscape Value - Within the AHLV development likely to adversely affect character, quality or appearance will only be permitted if it meets a need that outweighs value of landscape and no alt sites. Minimisation and compensation will be required.
20. Policy 18 - 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.

21. Policy 35 - 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.
22. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
23. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Highway Authority raises no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

25. Spatial Policy states that the proposal would need to be considered against Paragraph 11 of the NPPF as the two most relevant policies within the local plan for determining the application are out of date. Further comments are contained with the main body of the report.
26. Tourism section – Visit County Durham – have no comments to add as the Tourism Statement submitted reflects the intelligence freely available as referenced within the statement.
27. Landscape section raised concerns that the effect on landscape character from redeveloping the site would be negative and noted that no detailed landscape scheme or mitigating works to offset any damage to visual amenity value of the area have been included.
28. Environmental Health – Contaminated Land – require that any approval granted includes a condition for a full pre commencement scheme to deal with contamination, given that the development constitutes a change of use to a more sensitive receptor and the site is close to previous colliery workings.
29. Environmental Health – Nuisance section – raised concerns that the nearby operational dairy farm would create noise that could cause disturbance to occupiers of the holiday let. Any approval granted would require the inclusion of a condition for a noise assessment to be submitted prior to commencement of development and with appropriate sound insulation measures installed as required prior to occupation of development.

PUBLIC RESPONSES:

30. Neighbouring residents were notified about the application and a site notice posted near the entrance to the site. No representations were received.
31. The applicant included with the application three letters of support. The first letter was from the Wheatley Hill Parish Council who noted that the applicant attended the Parish Council meeting to seek support for the proposal. The Parish Council agreed that the proposed refurbishment would see an old dilapidated building brought back in to use. They stated that they supported the resubmission of the planning application.
32. The second and third letters of support provided were from a rehabilitation centre and solicitors specialising with personal injuries. Both letters strongly support the provision of facilities for people with life changing injuries, commenting that it provides an opportunity for them to get back to as normal a life as possible through going on holidays and that provision of such facilities can be hard to find.

APPLICANTS STATEMENT:

33. This re-submission application presents a real and positive opportunity to create a bespoke self-catering holiday unit specifically designed to meet the needs of people with mobility impairment.
34. The proposed change of use and refurbishment of the former cricket pavilion and changing room buildings will provide a self-catering holiday unit that will offer: (M3ae) and (M3ie) accommodation for levels of mobility impairment to British Standard BS 8300:2001; and achieve the standards set by the National Accessible Scheme for Disabled Access for either independent or assisted wheelchair users.
35. Positive support for the proposal has been received from Neural Pathways an organisation the deals directly with clients who have spinal or brain injuries; and Irwin Mitchell who deal with clients who have specialist needs. Copies of their letters of support setting out the benefits of the availability of self-catering holiday accommodation offering exceptional access to clients for family holidays as a means of rehabilitation and a pathway to living as far as is possible a normal life are included as supporting documents submitted with this application.
36. In terms of planning policy there is no requirement to demonstrate a level of need to justify a tourism proposal development subject to other material considerations such as impacts on amenity, traffic, or other adverse effects that cannot be addressed by condition. It is believed there are no significant adverse impacts or effects associated with this re-submission application sufficient to warrant its refusal.
37. The proposal is also consistent with the current NPPF that supports positive policy making and decision taking as essential to supporting a strong and prosperous rural economy including encouraging the growth and expansion of tourist and visitor facilities.
38. The proposed refurbishment of the former cricket club pavilion and changing rooms is for the most part sympathetic to the appearance of the original buildings and has the support of Wheatley Hill Parish Council who feel the development will bring back into positive use a building that was for many decades part of the social and historic fabric of the local community.

39. In terms of tourism needs, value and benefits the proposal meets relevant key priorities identified by Visit County Durham and set out in the County Durham Tourism Management Plan 2016 – 2020.

40. The three key priorities are:

- Increasing the overall length of time of visitor stay in the County;
- Attract new staying visitors to the County; and
- Develop new product and at the same time support existing product strengths.

41. The re-submission proposal meets all three of these priorities. The location of the proposed development is within the Durham Heritage Coast area which is a target area for encouraging tourism growth and will assist in meeting forecast demand for visitor accommodation in this area. Furthermore the bespoke nature of the proposed development catering specifically for persons with mobility impairment is identified as a key need in the County Durham Visitor Accommodation Futures Study.

42. It is acknowledged the location of the proposed development lies outside the established village framework of Wheatley Hill however members' attention is drawn to the permission granted in 2016 for 10 holiday lodges west of Wingate and south of the A181 junction and Durham Road that also lies in open countryside. The circumstances of the re-submission application in relation to this application do not differ and therefore it should be similarly considered favourably.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

43. 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 development, impact upon its surroundings and landscape, and highway safety.

Principle of development

44. 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 remains the statutory development plan and the starting point for determining applications. However the NPPF advises at paragraph 213 that the degree of weight to be afforded to existing local plan policies will depend upon their degree of consistency with the NPPF.

45. The two most relevant policies within the Local Plan for determining this application were not saved. These were policies 97 - Visitor Accommodation and 59 - Re-use and adaptation of Buildings for Industry and Business (which included holiday cottages). Also of relevance is policy 3 for the protection of the countryside which has been saved. Under this policy, the boundary of settlements is defined to differentiate between built up areas and countryside and to clarify where development would generally be resisted from a locational perspective. The application site is noted as being outside the settlement boundary and therefore conflicts with this policy. However the evidence upon which the policy is based is considered out of date, and on this basis can carry limited weight in the decision making process.

46. In accordance with paragraph 11 of the NPPF, where local development plan policies which are most important for determining the application are out of date, permission should be granted unless specific policies within the NPPF indicate it should be restricted or any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The site of the proposed holiday let is not located within any protected landscape designations although a designated Area of High Landscape Value (AHLV) is located to the east and south east and includes part of the access into the site as well as part of the access track. A designated wildlife corridor also exists along part of the access track but in consultation with ecology section no ecology surveys were required in relation to the development. The remnants of the building are not listed. There are therefore no specific policies indicating development should be restricted in this location. The development needs to be considered in terms of whether adverse impacts would significantly and demonstrably outweigh the benefits when considered against the policies in the NPPF taken as a whole.
47. Paragraph 83 of the NPPF seeks to promote a prosperous rural economy, stating that planning decisions should enable the expansion of all types of business through conversion of existing buildings and well designed new build, and support sustainable rural tourism that respects the character of the countryside. Paragraph 84 goes on to state that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.
48. The proposal accords with policy 83 in that the proposed holiday let would support rural tourism, which in turn would provide some economic activity, albeit limited, by means of potential use of local services by visitors to the accommodation. This is clearly a benefit of the scheme along with the emphasis now placed on providing holiday accommodation for disabled clients, which may provide for a niche market.
49. Policy 83 also makes provision for conversions as well as designed new builds to meet business expansion. The proposal relates to the reinstatement and conversion of derelict buildings that at one time were associated with the village cricket ground. From assessing the remains of the building on site and having perused the structural survey provided in support of the application, it is clear that the building is substantially derelict with only very small sections remaining that could potentially be incorporated into the final build. Whilst the pavilion section does give an impression of its former appearance, with some parts of the roof structure viewable along with the upper floor section, the former changing room building is largely dilapidated with perimeter walls remaining no higher than 1 - 1.2 metres in height. In this regard the building is not viewed as a conversion but rather a substantial rebuild with sections of the structure potentially needing to be removed and replaced due to structural decay over the passage of time. Building control section advised that given the age of the building and the extent of dereliction, whilst some of the walls could be retained, in all likelihood, they would be completely removed to make way for foundation underpinning from a practical and a cost saving perspective. In this regard the proposal would amount to a new build within the countryside and consideration on the design merits are provided in the section below in order to determine whether this accords with policy 83 and 84 which requires well designed new builds which must also be sensitive to their surroundings.

50. In terms of suitability of the location for a holiday let and whether it could be considered to be sustainable, the building is located outside the settlement boundary of Wheatley Hill, which is classed within the County Durham Settlement Study as a local service centre with some services, shops and facilities available. A recently completed access track measuring 330 metres in length has been constructed to link the pavilion area to the access point at Patton Walk, providing an excessively long, unlit, rough and uneven surface. From this access at Patton Walk the nearest shops and facilities would be a further 700 metres away. On this basis the proposed holiday let is considered to be very isolated, highlighted by the length of the access track, with the distance required to travel to services being deemed a significant journey, which would likely result in use of the private car.
51. It is noted that bus stops exist along Patton Walk, 400 metres from the pavilion. The bus stops cater for two major routes connecting Durham to Hartlepool, an hourly service, and Durham to Sunderland, a half-hourly service. Two other more minor services also run from this stop but with limited timetable and very local destinations. In this respect, whilst there is a fairly long distance to get to the main road, there appears to be reasonable links to main town centres available from this part of Wheatley Hill that could warrant the location as being considered sustainable. However, the location is clearly isolated away from the main built areas of the settlement, and despite the existence of remnants of the original building, the conversion works would amount to a substantial rebuild and essentially an encroachment into the countryside that would impact on its character.
52. It is noted that paragraph 84 accepts that there may be a requirement to allow for development of sites beyond existing settlements, but this is on the basis that it would meet a local business need. A tourism statement was submitted to support the application, however, the statement was general in its approach, quoting largely from the County Durham Tourism Management Plan and the County Durham Visitor Accommodation Futures Study. It is accepted that the provision of a new holiday let would support tourism aims which would offer economic benefits, with the provision of overnight accommodation generating more spend in the area than day trips. It is also agreed that there would likely be a demand for disabled access accommodation. The letters of support submitted by the applicant would appear to back this up. However this does not demonstrate a business need for this specific isolated location and it is unclear whether tourist accommodation in this location would be viable, given that the immediate area does not lend itself to obvious tourist facilities, particularly as there are no public rights of way adjacent to the site and the coastal area and other significant tourist facilities are located over 10 kilometres away. Whilst a new holiday let would meet with the broad strategy aims of the management plan it does not follow that any provision can be viewed as acceptable or indeed sustainable. In addition no marketing strategy was provided to indicate how the proposed letting of the property would be undertaken and that the applicant was satisfied that a feasible business could exist.
53. The previously refused application similarly provided a tourism statement that did not demonstrate potential viability or a marketing plan and in consultation with Visit County Durham at that time, it was acknowledged by them that insufficient detail was provided, with the information considered too generic and not specifically tailored to the site. It is considered that the current tourism statement has not addressed the concerns previously raised. Visit County Durham's comments in relation to the current application is that they are currently unaware of any new information that would allow a reassessment of the feedback previously provided as noted above.

In the absence of any business strategy with a reasonable plan of action for attracting visitors it is difficult to consider the current proposals as being justified in this specific location. No clear need or shortfall has been identified within the statement which backs up the development of this isolated site and in this respect it could not be considered an appropriate location. Access to the site along a recently completed and excessively long access track adds to the inappropriateness of the location and its isolation from the main centre.

54. Whilst there is some compliance with policy 83 and a number of benefits have been identified that would appear to weigh in favour of the proposals, there are significant concerns regarding its viability as a business, as well as its sustainability credentials and concerns regarding its impact on the character of the countryside due to its isolated location, factors that potentially outweigh these benefits. Further assessment on the impacts on the character of the area is considered below.

Impact on the character and appearance of the area

55. The site is located within open countryside, characterised by gently undulating terrain consisting of grass fields, agricultural crops and pockets of tree planting and hedgerow boundaries. The existing building remnants are not visible from the roadway and do not feature obviously on the general landscape due to the terrain and planting. The proposed access road and surrounding land to the east and south lie within an AHLV.
56. Historic google earth images from April 2015 show that the allotments located to the north east of the site were in use with a number of small scale structures such as sheds and poly tunnels on the plots, the nearest one of these being 30 metres from the application site. It is also noted that the access track was not in existence at this time. These allotments are no longer in use with most of the structures now removed but timber fencing has since been erected around the whole site. A small number of plots exist within the boundary of the applicant's land separated from the main former allotment site by a belt of tall mature trees and some small scale structures are still apparent along with a 1.5-1.8 metres high boundary wall around the eastern most plot, and dilapidated fencing around the western plots. It is not clear whether these are still in use but their visual appearance on the landscape is considered minimal due to blending with the general landscape and being akin to countryside uses. The former pavilion building remains are observed as being separate and isolated from these features and they do not read as being part of the settlement of Wheatley Hill.
57. From looking at historic maps the earliest record of the cricket ground dates from early 1920s with the pavilion appearing in the 1950s. At that time, a public footpath link provided access to the site from nearby colliery housing, now demolished, and from the village, however, this link no longer exists with the footpath now being in private and separate ownership.
58. No pictures or drawings are provided of the original building, but from what remains, it does not appear that the building was of any particular architectural merit and the design would have been centred on its primary function to accommodate changing rooms and a general pavilion building. In this respect, the rebuild of the derelict remains of the building along the lines of the original design is not considered to be beneficial or warranted. It is agreed that the structural remains do not positively contribute to the character of the area, but they have an unassuming form in the landscape. The rebuild of the structure remnants would add to the bulk of what remains and increase its visibility from a number of viewpoints, and result in it appearing as an incursion into the openness of the countryside, this further exacerbated by the proposed new extension and linkway adding a 38 per cent increase to the building footprint as well as over 30 square metres of additional patio hardstanding around the building, two car parking spaces and the existing hard core track leading to it in excess of 330 metres.

59. At present the land surrounding the pavilion site is entirely rural in nature. Landscape section reviewed the application and assessed the site as being of moderate - high sensitivity to the effects of the built development proposed. In their view the effect on landscape character of development at the level of the site and the immediate locality would be negative. It was also noted that no detailed scheme for landscape or external works relating to the track and hard standing supports the application, meaning no mitigating works are suggested to offset any damage to the visual amenity value of the area. In this way the proposals in terms of their design, appearance and siting, are not considered to respect the character this open countryside area as required by policy 83 of the NPPF, nor would the development be considered as being sensitive to the surroundings in line with policy 84 of the NPPF.

60. In summary the proposals are considered to conflict with NPPF policies as well as policy 35 of the local plan by reason of being a visual intrusion in the open countryside, thereby negatively impacting on its overall character.

Impact on neighbouring amenities

61. Given the isolation of the buildings and their separation distances from residents, it is not expected that the existing residents would be negatively impacted by loss of privacy, although the access track leading to the pavilion remains would pass quite close to existing residents. With one holiday let intended by the proposal, the level of traffic would not be expected to be high and the distance of the track from the rear garden boundary is in excess of 23 metres. There are no concerns with regards impacts on neighbours on the basis of a single holiday let in the area. In this regard the proposals accord with policy 35.

Highways

62. There are no highway concerns with regard to access to the site from Patton Walk or provision of car parking. However it was noted by highways the excessive length of the track leading to the proposed holiday let. This aside, the proposals would not be prejudicial to highway safety and no objections were raised in this regard.

Other issues

63. Environmental Health section were consulted on the proposals and requested conditions associated with contaminated land and noise insulation should planning permission be granted.

Planning Balance

Benefits

64. The benefits of the scheme relate to the provision of a small scale business in a rural area, by means of tourist accommodation which indirectly would provide support to local services. The provision of accommodation specifically intended for disabled access and use would also be a beneficial addition. The close proximity of bus services to the wider area also weighs in support, as would the visual benefits of tidying up a derelict site.

Adverse Impacts

65. However having considered the various other elements, including its isolation and separation from the built area of Wheatley Hill, necessitating the long access track, the ensuing impact on the character of the countryside by encroachment of built development of unremarkable design, along with the associated hardstanding areas into the openness is considered unacceptable. In addition the absence of any marketing strategy associated with the letting of the holiday property raises concerns about the success of such a venture with the risk of permanent built development remaining should it not succeed, to the detriment of the character of the countryside area. The proposals are therefore not considered to respect or enhance the character and quality of the area and would have significant and demonstrable adverse impacts that are deemed to outweigh the benefits associated with the proposals.

66. The proposals are therefore recommended for refusal.

67. In terms of the existing access track that does not benefit from planning permission, further discussion with the applicant will be necessary to determine the need for such a track and potential consideration of a separate retrospective application, subject to such a need being clarified and potential reduction in length of the track. Failing this, enforcement action against the track would have to be considered.

CONCLUSION

68. In consideration of the various issues associated with the development of a new holiday let accommodation within this isolated countryside location, it is determined that the adverse impacts associated with the development significantly and demonstrably outweigh the benefits and the proposals are therefore recommended for refusal.

RECOMMENDATION

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

1. The proposals are considered to have a significant adverse impact on the character and appearance of the open countryside, by reason of the design and scale of the proposed buildings, along with associated hardstanding areas and by reason of their separation and isolation from the nearest settlement of Wheatley Hill. The proposals provide no clarification of identified need to be located in such an isolated site and are therefore considered an unacceptable encroachment into the countryside to the detriment of the visual amenities of the area, contrary to paragraphs 83 and 84 of the NPPF and policy 35 of the Easington District Local Plan 2001.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision 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. Unfortunately a positive outcome was not able to be reached on this application. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

BACKGROUND PAPERS

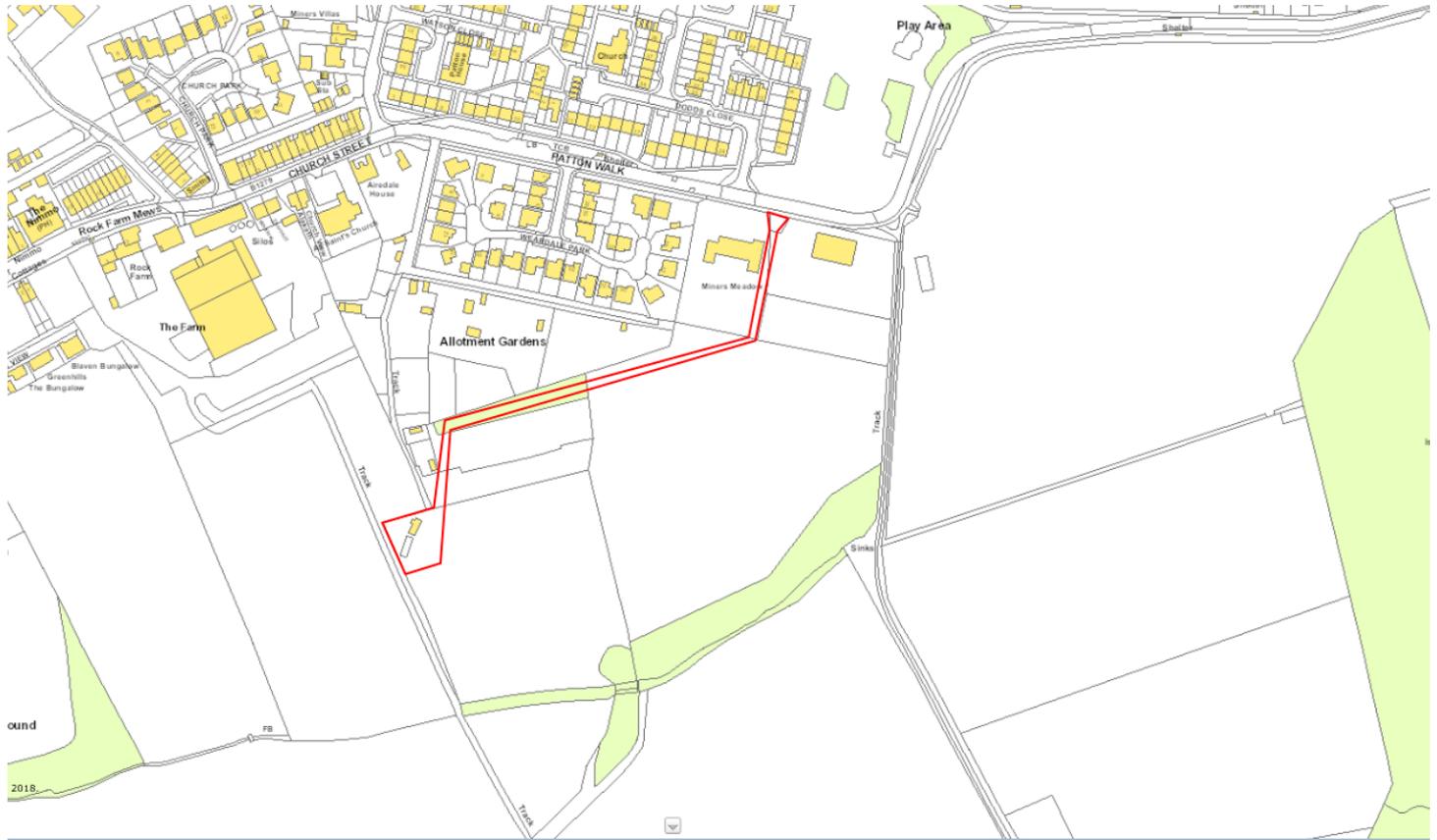
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan 2001

Statutory, internal and public consultation responses



Planning Services

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Comments

Date 2 August 2011

Scale 1:2500

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02161/FPA
FULL APPLICATION DESCRIPTION:	Gas fuelled capacity mechanism embedded generation plant to support the National Grid - Resubmission
NAME OF APPLICANT:	Enso energy Limited
ADDRESS:	Land To The North Of Hackworth Road, North West Industrial Estate, Peterlee
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Chris Shields, Senior Planning Officer, 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site measures 1 Hectare (ha) in area and is located to the north of North West Industrial Estate, Peterlee. The site is currently part of an agricultural field. The B1283 road runs 400m to the north of the site. To the south and east of the site is an existing solar farm.
2. The nearest residential properties to the site are located at Holme Lea 650m to the north east, Cow Close Farm and Calf Close Farm 550m to the north, Moor House Farm 700m to the north west, West Moor Farm 1km to the west. There are no heritage assets within the vicinity of the site and the site is not within any ecological or landscape designations. There are two connected public rights of way approximately 750m to the west of the site, these are Footpaths No's 10 and 11 (Easington Village). The site is within a Coalfield Low Risk Development Area.

Proposal

3. This application is a resubmission of the proposal that was refused by the Council in May 2018. The proposed development is for the installation and operation of an Embedded Distributed Power (EDP) plant that would generate and deliver electrical power to the Grid. The facility would provide balancing services to National Grid to assist in ensuring the future security of the country's electricity supply. The development would consist of 34 containerised gas generator sets, 17 transformers, substation compound and associated cabins, switchgear and welfare cabins, underground cabling, perimeter security and acoustic fencing and CCTV, access track and internal service road.

4. The gas generators would be housed within containers measuring 3m wide, 12m in length and with a height of 4m. Additional equipment would be mounted to the containers, including the exhaust flues which would have a total height from the ground of 7m. The switchgear cabin would measure 12m by 3.2m with a height of 4m.
5. The proposed development would provide 40MW of gas generated power, fuelled by gas that would be fed to site by pipeline from the nearby gas main located to the west of the site. The generator engines would consist of 1.2MW units located within individual modular acoustic enclosures, which are constructed of galvanised steel protected by polyester powder coated paint.
6. The proposed development would operate for approximately 2000 hours per year, equating to approximately 23% of the time. The generators would operate whenever called upon by the National Grid but as electrical demand is greatest in the morning and early evening this is when the facility would be most likely to be delivering power to the grid.
7. The proposed compound would be secured by up to a 4m high acoustic fence and 2.4m wire mesh perimeter fencing, pole mounted CCTV cameras and floodlights (4m in height) would also be provided at appropriate intervals along the proposed boundary fence.
8. The site would be accessed from the B1283 to the north utilising an existing junction that the new site access track would connect to.
9. The differences between this application and the application which was refused in May 2018 are a reduction in the site area from 1.55ha to 1ha and a resultant reduction in the loss of best and most versatile agricultural land from 1.18ha to 0.64ha. The reduction in site area has been made possible by using more efficient generators meaning that only 34 generators are required to produce the same power as the 40 proposed in the previous submission. The reduction in the number of generators would also have less impact on air quality for the nearest sensitive receptors. Finally, the revised proposal has been submitted with a full landscaping scheme including hedgerows, trees and field edge grassland.
10. This application is being reported to Planning Committee as it is classed as a major development.

PLANNING HISTORY

11. This application is a resubmission of a proposal (DM/18/00225/FPA) that was refused by the Council in May 2018. The applicant has appealed this refusal and decision is awaited.
12. The land to the south and east has been developed for a solar farm which was approved in 2016 (DM/15/02290/FPA).

PLANNING POLICY

NATIONAL POLICY

13. 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.

14. 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 the 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.
15. *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.
16. *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.
17. *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.
18. *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.
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.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
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, flood risk and coastal change, climate change and noise.
<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

District of Easington Local Plan (DELP) adopted 2001

22. *Policy 1 – General Principles of Development* – permits development that accords with the principles of sustainable development together with any benefits to the community and local economy.
23. *Policy 3 – Protection of the Countryside* – defines development outside settlement boundaries as in the countryside. This is not permitted unless allowed for by other policies.
24. *Policy 18 – Species and Habitat Protection – Species And habitat Protection* – precludes development that would have a significant adverse effect on protective species or their habitat without special justification and mitigation.
25. *Policy 35 – Design and Layout of Development* – requires the design and layout of development to embody the objective of energy conservation, reflect the scale and character of the area, be screened appropriately where required, and have no serious amenity impact.
26. *Policy 36 – Design for Access and the Means of Travel* – requires the design and layout of development to provide (inter alia) safe and adequate access capable of serving the amount and nature of traffic to be generated.
27. *Policy 74 – Footpaths and other Public Rights of Way* – requires public rights of way to be (inter alia) protected from development.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Peterlee Town Council* – Has objected to the proposal as it is considered that the countryside location of the development will create adverse impacts in terms of unacceptable visual amenity, even with the new hedge to screen it from the north and west. It will also result in a loss of best and most versatile agricultural land, and these are such that they would significantly and demonstrably outweigh the benefits in the context of Para 14 of the National Policy Framework and accordingly the proposals are considered contrary to Policies 1 & 3 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

30. *Easington Parish Council* – Has objected to the proposal as it does not adhere to the NPPF in respect of contributing to conserving the natural environment and reducing pollution, does not protect and enhance valued landscapes, geological conservation interests and soils, would mean the loss of high quality agricultural land and have a negative impact on those living in the area with regards to unacceptable noise levels and environmental issues.
31. *Highway Authority* – has raised no objections to the proposal but has requested that conditions be imposed to require details of onsite parking and the access with the B1283 to be submitted prior to the commencement of development.
32. *Environment Agency* – has raised no objections to the proposal and has provided advice to the applicant in respect of environmental permitting.
33. *Drainage and Coastal Protection* – Raise no objection provided that outstanding design information relating to surface water management is provided prior to development commencing.

INTERNAL CONSULTEE RESPONSES:

34. *Environment, Health & Consumer Protection (Noise Action Team)* – has raised no objections to the proposals stating that development would comply with the thresholds set out in the Technical Advice Notes (TANs) but has requested the night time noise limit be controlled by condition and that the acoustic fence be constructed of a material with a density greater than 10kg/m².
35. *Environment, Health & Consumer Protection (Air Quality)* – Raise no objections noting that the maximum modelled level of carbon monoxide at nearest residential dwellings is well below 10% of the short term air quality objective. It is also noted that this proposal would have less impact on air quality than the previous submission.
36. *Landscape* – No objections are raised but it is requested that the landscaping scheme proposed is secured by condition.
37. *Ecology* – No objections are raised although a condition is requested to secure a habitat creation and management plan for biodiversity enhancement on site.
38. *Access & Rights of Way* – has raised no objections to the proposal but note that Easington Village Footpath 11 is to be crossed by an underground gas pipe and have stated that this must be reinstated to the existing surface standard, or better. An informative would be included to this effect.

PUBLIC RESPONSES:

39. The application has been advertised by means of individual notification letters, site notice and press notice.
40. Eight letters of objection have been received from neighbouring residents. The issues raised by objectors include the following:
 - Noise
 - Traffic from construction and maintenance of the development
 - Visual impact
 - Air pollution
 - Impact on livestock
 - Loss of best and most versatile agricultural land
 - Site selection precluded sites that may have been preferable

41. Four letters of support have been received. Supporters of the proposal have stated the following points:
- Provides resilience to the national grid, minimising the risk of future blackouts
 - Supports the less reliable renewable energy developments
 - Limited loss of best and most versatile agricultural land
 - Reduces the need for big power stations that are not as clean or safe

APPLICANTS STATEMENT:

42. Enso Energy is a highly experienced developer of energy projects. Our core business includes:
- the development of fast response energy generation and energy storage projects to support National Grid balance the supply and demand of electricity in the UK, and
 - the development of energy generation projects for large energy users to provide secure and cost effective energy supply for their business.
43. We work across a range of energy technologies to develop projects that generate and supply energy for export to the national grid, or for direct consumption by business.
44. We are advocates of sustainable energy and are playing our part to ensure that the UK has improved energy security, continues the transition to low carbon generation and supply, and provides the lowest cost energy solutions that are practically and currently available.
45. Our application for the development of a gas peaking generation facility at Durham Rd, Peterlee is an example of our plan to develop facilities that will export electricity to the national grid during periods of peak demand. Facilities such as this play an important role in balancing the supply and demand of electricity in the UK. The importance of fast response electricity generation is set to increase in response to a number of factors, such as the increase in the contribution made by renewable energy, the decrease in large-scale baseload coal-fired electricity, and the increase in demand for electricity.
46. The site was selected as it met all of the critical parameters that are required to support a development such as this. It provides a feasible connection to both the gas and electricity networks, has a supportive landowner, is sufficiently removed from any residential receptors and other sensitive receptors and would result in minimal environmental impacts. The site would occupy less than 1 hectare of agricultural land, which in the context of the local area is not significant.
47. The development is consistent with the Government's objective to ensure that the UK continues to support the transition to a low carbon future and a secure, reliable and efficient supply of electricity. The application has also been assessed as being acceptable when assessed against the local and national planning policies and objectives.
48. The development will deliver local benefits. There will be direct and indirect benefits to the local economy during the construction and operation of the facility, and the energy security provided from the connection of the facility which will be an "embedded" or locally connected plant, integrated in to the local electricity network. Power from the facility will be used locally first, whenever there is demand. During periods of peak demand, areas hosting local backup generation will be generally at the lowest risk of disturbances to their power supply.

49. Based on the above, the information provided in support of the application, and the case officer's recommendation to approve the application, we humbly request the Committee to grant our request for approval to proceed with the development.

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

50. 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 development, landscape, access and traffic, residential amenity, flooding and drainage, ecology, agricultural land, access and rights of way and other issues.

Principle of Development

51. 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 a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends on the degree of consistency with the NPPF.
52. 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.
53. 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 the development plan without delay; or
 - where the development plan is absent, silent or relevant policies 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

54. 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 considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policies 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.
55. The purpose of the proposed development is to rapidly meet short term demands from the electrical grid. The location was chosen as it provides close connection points to a suitable gas supply and electrical connection with few constraints. This development is one of many proposed nationally to address capacity shortfalls in the grid due to peak demands, the unpredictability of renewable energy and the inability for large centralised power stations to react quickly.
56. The proposed development could be located on an industrial estate but this would occupy potential employment land with an automated facility that requires minimal human intervention to operate. The proposed site offers nearby connections for gas to fuel the generators and to an electrical substation for exporting the produced electricity. Operating in tandem with the adjacent 5MW solar farm the proposal would create a very resilient local energy supply.
57. The proposal would conflict with EDLP Policy 3 and the locational criteria set out in Policy 1, however, the benefits of the development in terms of energy security through decentralisation of power stations and the support it provides for renewable energy development are sufficient to outweigh the encroachment into the countryside. The creation of a decentralised energy supply would accord with Part 14 of the NPPF. However, this is weighed up further in the planning balance.

Landscape

58. Paragraph 170 sets out key areas for conserving and enhancing the natural environment. This is reflected in EDLP Policy 1, which seeks to protect landscape character.
59. The application site is the south west corner of an agricultural field. This revised proposal reduces the number of generators from the previously proposed 40 to 34 and the site area has reduced to 1ha. There is a gentle rolling rise to the topography from the west to east with the application site visible in ranged views from the B1283 in the west and Footpath No's. 10 and 11 (Easington Village) to the south and west, respectively. The site is currently a green field used for arable crops. The field has low clipped hedges on the boundaries that provide limited screening given the distance between them and the application site and the overall topography. However, from the key viewpoints of the footpaths and road the proposal would be viewed against the backdrop of the 5MW solar farm which is prominent feature in this primarily rural landscape.

60. The design and appearance of the development would be entirely utilitarian with most elements housed within containers, kiosks or cabins. Full details of colours and finishes would be agreed through condition. The smaller site area proposed for this revised scheme would have a resultant reduction in the overall visual impact of the development.
61. The proposal would incorporate a 4m high acoustic fence around the periphery of the developed area with a 2.4m high galvanised wire mesh security fence outside of this. The generator containers and other plant would therefore be fully screened from outside of the site apart from the exhaust stacks. A landscaping scheme has been provided with the application and this shows a full perimeter native mixed hedgerow and additional native planting areas on the north and western elevations. A field margin seed mix would be incorporated into the undeveloped areas of the site and 24 standard native trees would be provided on the periphery.
62. Objectors to the proposal have stated that the development would have an unacceptable visual impact on the area.
63. Landscape officers have considered the proposal and have requested that a condition be included to require the landscaping scheme to be carried out. Taking into account the views of objectors, the proposed mitigation through fencing and planting and the comments from Landscape officers it is considered that subject to the above condition the proposal would have minimal harm to the landscape and would deliver some improvements to the site in hedgerow and tree planting. The proposal would therefore accord with EDLP Policy 1 and Part 15 of the NPPF.

Access and Traffic

64. Paragraph 108 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. EDLP Policy 1 requires developments to incorporate satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles. The objectives of Policy 1 are expanded upon in Policy 36 which requires development to include a safe and adequate access capable of serving the amount and nature of traffic to be generated. Policy 36 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
65. The site would be accessed from the B1283 via an existing access road that currently serves the farm buildings, fields, solar farm and reservoirs. The proposed development would create a new track from this access to the development site. Objections have been raised by local residents claiming that this is a dangerous section of road and also that they control and use the proposed access themselves for their farm business, which would be disturbed by the construction and maintenance traffic.
66. Highways officers have considered the proposal and raised no objections in principle but have requested conditions to require details of parking and the design of the access to the site of the B1283 to be submitted prior to the commencement of development.
67. Highways officers have advised that there have been no recorded road accidents on the section of the B1283 and whilst residents have stated that vehicles using the road travel fast, this would not be out with the 60mph speed limit. The issue regarding the access is complicated by a section of legacy adopted highway and land ownership boundaries. The owners of the farm buildings adjacent to the proposed access with the B1283 claim ownership of the existing section of track that would be used, however, this is entirely within a section of adopted highway. Whilst there may be disagreements between the applicant and adjacent land owner over access rights it is considered for the purposes of planning that the applicant has demonstrated that there is a safe and adequate access route between the site and the adopted highway.

68. Whilst the development would generate a degree of construction traffic for the 10 month construction period it would not be unacceptable in this location. Following construction the site would be automated and would only be attended for a short period each day for maintenance purposes. A condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. Subject to this condition the proposal is considered to accord with EDLP Policies 1 and 36 and Part 9 of the NPPF.

Residential Amenity

69. The nearest residential properties to the site are located at Holme Lea 650m to the north east, Cow Close Farm and Calf Close Farm 550m to the north, Moor House Farm 700m to the north west, West Moor Farm 1km to the west. Objections have been received from the nearest residential properties in respect of noise and air quality.
70. Paragraph 170 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the effects of pollution on health, general amenity and the potential sensitivity of the area to adverse effects from pollution. EDLP Policy 1 requires that development should safeguard the visual and general amenity of people living and working within the vicinity of the site. This is supported by EDLP Policy 35 which requires the design and layout of development to have no serious adverse effect on the amenity of people and existing adjacent land uses in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. Policy 35 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
71. The proposed gas generators for the site have the potential to cause pollution through noise and exhaust emissions. The application is therefore supported by air quality and noise assessments. The air quality assessment considers the baseline conditions for the site and provides maximum (worst case) predictions for emission outputs for the site. This is then assessed against local air quality objectives and long and short-term impacts on human health. The air quality assessment concludes that impacts due to the operation of the proposed development would be insignificant with predicted impacts to all sensitive receptors being lower than the previous submission for this site. Environment, Health & Consumer Protection officers have considered the proposal and air quality assessment and consider that the development would have an acceptable impact. In addition, the generators proposed in this application would result in a lower air quality impact than those in the previous application as the generators are more efficient.
72. The submitted noise assessment considers the baseline conditions for the area and provides predictions for the operation of the proposed plant, including generator and battery storage units, transformers and gas kiosk, for the site. The assessment considers the impact of the development on the nearest noise sensitive properties and includes a 4m high acoustic fence within the calculations. The assessment provides background noise levels from points close to the nearest noise sensitive properties and demonstrates that the predicted noise level from the generators at the nearest noise sensitive properties would range between 39dB and 40dB as a worst-case scenario which assumes all of the plant to be operating simultaneously. During daytime operation the noise levels would be between 4dB and 31dB below existing background noise levels. Whilst the plant is unlikely to operate during night time hours (2300 to 0700) it may occasionally do so in the event of National Grid emergencies. Environment, Health & Consumer Protection officers have considered the proposal and the noise assessment and consider that the development would be acceptable but have requested daytime operations (0700 – 2300) be restricted no noise levels no greater than background. The applicant has also agreed that the plant would not operate during night time hours (2300 – 0700) unless there is a National Grid emergency. Officer also requested that the density of the perimeter acoustic fence be greater than 10kg/m².

Those matters are to be secured by conditions. In addition it is recommended that a condition be imposed requiring a construction management plan to ensure protection of residential amenity during the construction phase of the development.

73. Subject to the imposition of the conditions recommended above it is considered that development would provide an acceptable standard of residential amenity in accordance with EDLP Policies 1 and 35 and Part 15 of the NPPF.

Flooding and Drainage

74. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment.
75. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 and would increase the risk of flooding.
76. Drainage and Coastal Protection officers have considered the proposals and although no objections have been raised it is noted that the application does not provide details of surface water management measures and it is requested that these details be secured by condition. The Environment Agency has also raised no objections to the proposal.
77. Subject to the proposed conditions being adhered to, the proposed development would not lead to increased flooding and the site would be out of the floodplain area. The proposal is therefore considered to be in accordance with EDLP Policy 1 and Part 14 of the NPPF with regards to flood risk.

Ecology

78. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(1) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England where there is likely to be a disturbance to a European Protected Species.
79. Paragraph 170 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 175 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. EDLP Policy 18 states that development which would significantly adversely effect, either directly or indirectly, any protected species or its habitat will only be approved where the reasons for the development clearly outweigh the value of the species or its habitat. Policy 18 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.

80. An Ecological Survey including an extended Phase 1 habitat survey has been submitted in support of the application. The survey conducted fieldwork to check for the presence of protected species on the site. Several species of birds were noted during the survey but it was considered that the habitats within the site had low potential to support foraging and nesting. Evidence was found of three badger setts approximately 475m to the west of the site compound. This had been close to the original site access road but as this is now proposed to go north from the site the habitats would not be affected. This appraisal considers that the proposed development would have no significant adverse ecological impacts and has the potential to deliver ecological benefits with the incorporation of recommended enhancements. These enhancements include native hedge planting, installation of bird and bat boxes on the acoustic fence allowing the undeveloped areas of the site to be left unmanaged and allowed to develop into a field headland comprising of naturally established local plant species. Mitigation measures for the protection of birds and badgers during the construction phase are also proposed including standoff distances between works and identified badger setts and avoiding breeding seasons.
81. Ecology officers have considered the proposal and submitted Ecological Survey and agree with the recommended mitigation and biodiversity enhancement works. Officers consider that there would not be a disturbance to a European Protected Site and therefore there is no requirement to apply the derogation tests in this situation. A condition has been recommended to ensure the works are carried out as proposed.
82. Subject to the biodiversity enhancements being carried out it is considered that the proposal would create biodiversity enhancement to the site and would therefore accord with EDLP Policy 18 and Part 15 of the NPPF.

Agricultural Land

83. Paragraph 170 of the NPPF seeks to protect best and most versatile land. EDLP Policy 1 seeks to ensure the protection of best and most versatile agricultural land.
84. The proposed development would be located in the corner of an agricultural field and whilst the site area totals 1ha, the area to be developed is less at 0.64ha. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3a. The site is therefore comprised of best and most versatile agricultural land. Objectors have criticised the proposal for the loss of best and most and versatile land.
85. Whilst the applicant has not demonstrated that there is an overriding need to locate the proposed development on best and most versatile agricultural land contrary to EDLP Policy 1 or Paragraph 170 of the NPPF, the overall loss (0.64 ha) is relatively small in the context of the surrounding area and would be less than the previous submission for this site. Therefore given the small site area relative to the surrounding land and benefit of local energy security it is considered that the conflict is not sufficient to justify refusal of the planning application. However, this is weighed up further in the planning balance.

Access and Rights of Way

86. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. EDLP Policy 74 states that public rights of way will be protected from development or a suitable alternative provided. EDLP Policy 74 is considered to be consistent with the NPPF and can be given weight in the decision making process.

87. Footpath No's 10 and 11 (Easington Village) are located approximately 750m to the west of the site and whilst they would not be directly impacted by gas generators or compound, the underground connection to the gas main would run beneath Footpath No.11. In addition, there would be ranged views of the proposed development from the identified footpaths, however, the planting requested by Landscape officers would assist in mitigating any potential impact. The impacts of noise and air quality have not been specifically modelled in relation to the nearest footpaths, however, as they are at a greater distance to the nearest residential properties it is considered that any impact would be within acceptable thresholds. Access and Rights of Way officers have raised no objections and have provided advice in relation to utility installation in relation to PRow. It is considered that the proposal would not conflict with EDLP Policy 74 and Part 8 of the NPPF.

Other Issues

88. The site is located within Coal Mining Low Risk Development Area and as such standing advice would be provided to the applicant should planning permission be granted.
89. The proposal is of a type that would be subject to a permit required through the Environmental Permitting (England and Wales) Regulations 2010 which would regulate issues at the site relating to pollution control. There are powers to enforce should this not be complied with. The operator would require a Medium Combustion Plant Directive (MCPD) permit from the Environment Agency, complete with MCPD emission limit values, before operations can commence.
90. To ensure that the site is restored if the development becomes redundant a condition is recommended to require restoration of the site to greenfield if the plant is inoperative for a period of 6 months.

Planning Balance

91. 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. There are no specific policies within the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development and therefore planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.

Benefits

92. The development would provide local energy security through decentralisation of power stations and would provide support for renewable energy development by picking up gaps in supply due to the unpredictability of wind and solar generation.
93. Development of the site would result in a net biodiversity gain as a result of a mixture of on-site habitat creation through tree and hedgerow planting and providing an undeveloped field headland that otherwise have been retained as improved grassland with limited ecological value.

Adverse Impacts

94. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. The proposed hedgerow planting and tree screening proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
95. The development would result in the loss of agricultural land, however given the relatively small size of the site (1Ha) this should be afforded limited weight.

CONCLUSION

96. The proposed development would provide a peaking power generation facility that would support centralised power stations by responding quickly to peak electricity demand. Going forward this would assist in providing a stable and reliable National Grid for both local and national requirements. This is a revised proposal following refusal of the previous application for the site. The key changes are the use of more efficient generators, which produce more power for the same site area which has resulted in the same power (40MW) being proposed for a reduced site area, including reduction in the loss of best and most versatile agricultural land. The change to the generators has also reduced the air emissions to the nearest sensitive properties. The final changes include a commitment to not operate the generators during night time hours (except during National Grid emergencies) and a detailed landscaping scheme has been produced to support the proposal.
97. The proposal would conflict with locational criteria set out in EDLP Policies 1 and 3. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of these Policies, that the presumption in favour of sustainable development is engaged and development is required to be considered in the context of Paragraph 11 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
98. Although changes have been made, the proposal would still constitute development in the countryside resulting in limited landscape harm and the loss of a small portion of best and most versatile agricultural land. However, whilst utilitarian in appearance the proposal would be well screened both visually and acoustically from noise sensitive receptors. The loss of agricultural land in this instance would not be significant and, as mitigation, biodiversity enhancement has been offered through hedgerow creation, setting aside a small portion of undeveloped land and installing bat and bird boxes. In this case it is considered that there are no adverse impacts associated with the proposal and any residual harm would not significantly and demonstrably outweigh the benefits of the development in terms of energy supply and security, support for renewable energy and biodiversity enhancement and accordingly, planning permission should be granted.
99. The proposal has generated some 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 to the following conditions:

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

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

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

- Drawing No. 1382-PL-04_REV03 PROPOSED KITCHING OVERALL SITE LAYOUT
- Drawing No. 1382-PL-05_REV04 PROPOSED KITCHING OVERALL SITE LAYOUT
- Drawing No. ENS-STD-PL-15_REV01 TRANSFORMER PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-16_REV01 WELFARE CABIN PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-17_REV01 CONTAINERISED SWITCHGEAR PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-18_REV01 CUSTOMER SUBSTATION GRP PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-19_REV01 ACOUSTIC FENCING STANDARD DETAILS
- Drawing No. ENS-STD-PL-20_REV01 SECURITY FENCING STANDARD DETAILS
- Drawing No. ENS-STD-PL-21_REV01 GAS GOVERNOR PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-23_REV01 DNO ACCESS TRACK STANDARD DETAILS
- Drawing No. ENS-STD-PL-24_REV01 SPARE PARTS CONTAINER PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-40_REV01 66KV SINGLE CIRCUIT TEE-OFF (UNDERGROUND...)
- Drawing No. ENS-STD-PL-45_REV01 CONTROL AND METERING ROOM PLANS AND ELEVATIONS
- Drawing No. ENS-STD-PL-46_REV01 MARSHALLING KIOSK STANDARD DETAILS
- Drawing No. ENS-STD-PL-47_REV01 FLOODLIGHT COLUMN STANDARD DETAILS
- Drawing No. ENS-STD-PL-48_REV01 33KV CABLE CROSS SECTION IN AGRICULTURAL LAND
- Drawing No. ENS-STD-PL-51_REV01 PALISADE SECURITY FENCE
- Drawing No. ENS-STD-PL-57 GENERATOR CONTAINER WITH 7M FLUE STACK
- Drawing No. P18-1066-101 LANDSCAPE PROPOSALS

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

3. The development hereby approved shall not be brought into use until a surface water drainage system has been installed in accordance with details to have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the Part 14 of the National Planning Policy Framework.

4. No development shall take place until a Construction Management Plan has been 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 taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014;
 - 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 whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
 - Details of 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 operations for the loading and unloading of plant, machinery and materials;
 - Details of provision for all site operations, 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;
 - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
 - Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan 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 protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Easington District Local Plan Policy 1 and Part 15 of the NPPF. Required to be a pre-commencement condition and the details of the construction management statement must be agree before works on site commence.

5. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background noise level, as calculated using BS4142:2014, at any noise sensitive receptor between the hours of 0700 and 2300. Night time operation, 23:00-07:00, of the facility will be limited to emergency situations only as defined by the National Grid.

Reason: To ensure residential amenity is protected from noise pollution in accordance with Easington District Local Plan Policy 1 and Part 15 of the National Planning Policy Framework.

6. The 4 metre acoustic fence shall have no gaps and shall be constructed of material with a density >10kg/m².

Reason: To ensure residential amenity is protected from noise pollution in accordance with Easington District Local Plan Policy 1 and Part 15 of the National Planning Policy Framework.

7. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with the Easington District Local Plan Policy 36 and Part 15 of the National Planning Policy Framework.

8. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with Easington District Local Plan Policy and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

9. Prior to the commencement of development details of onsite parking and a 1:500 scale plan showing site access arrangements with the B1283 (as identified on Drawing No. 1382-PL-04_REV03 PROPOSED KITCHING OVERALL SITE LAYOUT) shall be submitted to the Local Planning Authority for agreement in writing. The approved access arrangements shall be implemented prior to the installation of any plant on site. The approved onsite parking shall be made available prior to the development being brought into use.

Reason: In the interests of residential amenity and highway safety in accordance with the Easington District Local Plan Policy 36 and Part 9 of the National Planning Policy Framework. Required to be pre-commencement in order to inform the development of the site.

10. The development shall be carried out in accordance with the recommendations set out at Section 5 of the Ecological Survey carried out by Clarkson & Woods Ecological Consultants dated January 2018.

Reason: To provide biodiversity enhancements in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to inform the development of the site.

11. The approved landscaping scheme shown on Drawing No. P18-1066-101 LANDSCAPE PROPOSALS shall be implemented on site in the first planting season following the development being brought into use. The tree planting shall be maintained and replaced as required for the life of the development.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Easington District Local Plan Policy 1 and Part 15 of the NPPF.

12. In the event that the gas generators and battery storage are inoperative for a period of 6 months or longer the development hereby approved shall be removed and the site restored to green field within 18 months form the time at which it became inoperative.

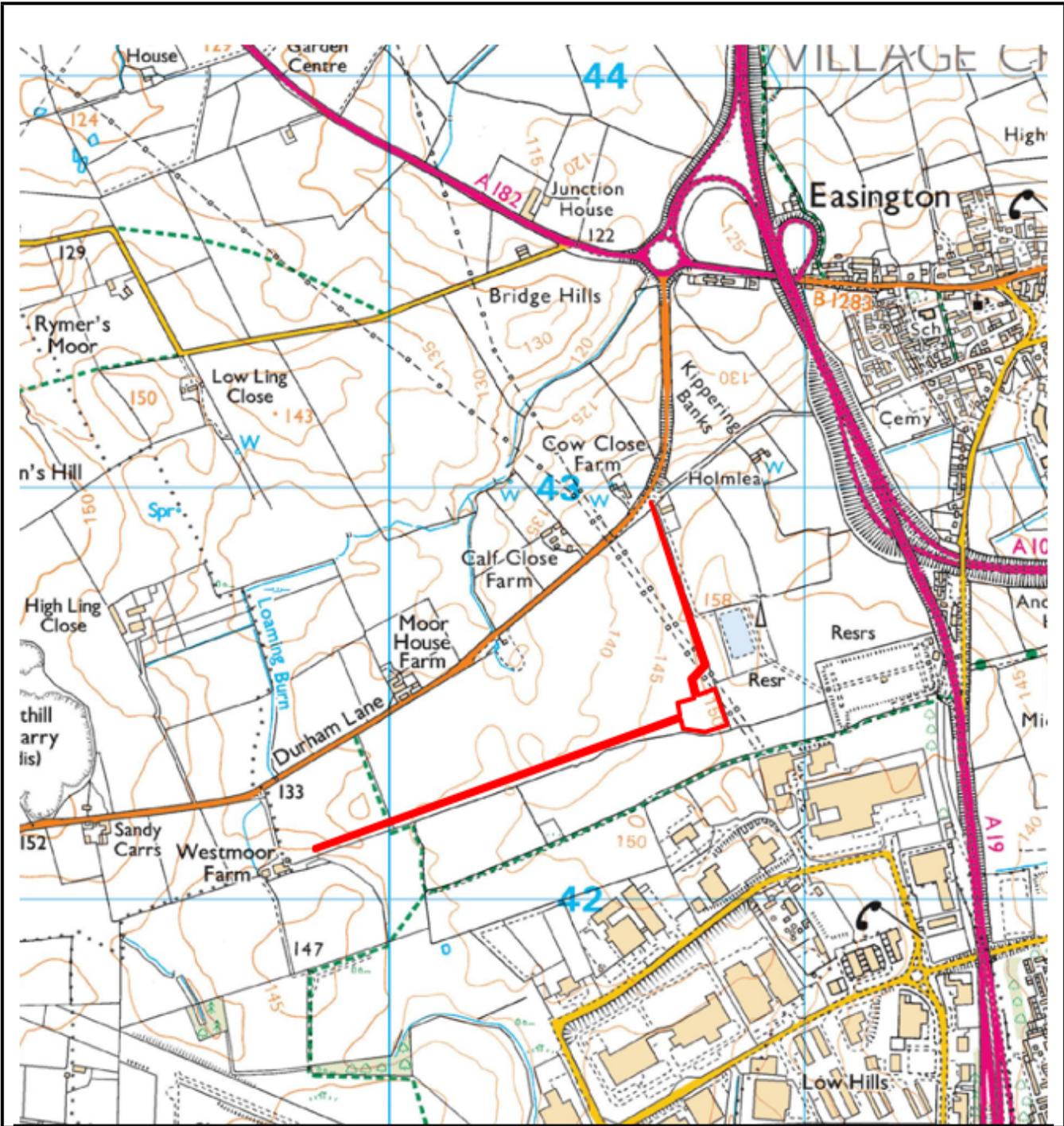
Reason: In the interests of visual amenity and pollution prevention in accordance with Easington District Local Plan Policy 1 and Part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Easington District Local Plan 1997.
- Statutory, internal and public consultation responses.



 <p>Planning Services</p>	<p>DM/18/02161/FPA Gas fuelled capacity mechanism embedded generation plant to support the National Grid - Resubmission at land To The North Of Hackworth Road, North West Industrial Estate, Peterlee</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 November 2018</p>	<p>Scale NTS</p>

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02152/OUT
FULL APPLICATION DESCRIPTION:	Erection of retail development (Use Class A1) with associated access, parking and landscaping (with all matters reserved except for access)
NAME OF APPLICANT:	Angel Developments (Durham) Limited
ADDRESS:	St Andrews Park, Dragon Lane, Gilesgate
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Chris Shields, Senior Planning Officer, 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site measures 1.6ha in area and bounded by Rennys Lane to the south, McIntyre Way and Durham Retail Park to the east and Dragon Lane to the west. There is a builders yard and car showrooms to the north. The application area is currently cleared land with road accesses created as part of the previously approved hybrid approval for the site. Within the wider site approximately 2600m² of floorspace has been created, which is currently occupied by a vehicle repair business and trade counter units.
2. The nearest residential properties to the site are the terrace housing (Teasdale Terrace) and a public house to the south, fronting on to Dragon Lane and Rennys Lane, with detached and semi-detached housing on Rennys Lane. To the west of Dragon Lane are further trade counter units and another terrace of houses (Providence Place). There are 3 existing access points into the site from Dragon Lane with the southernmost access in current use.
3. There are no statutory or locally designated heritage assets, landscapes or ecological sites that would be affected by the proposals. No recorded public rights of way are contained within or adjacent to the application site, but National Cycle Network Route 14 runs up Dragon Lane and along Rennys Lane adjoining the site.

Proposal

4. Outline planning permission is sought for 5398m² of Use Class A1 non-food, bulky goods retail floor space spread over 3 units. Unit 1 would provide 1860m² ground floor space and a further 1860m² of mezzanine floor space, unit would provide 795m² ground floor space and a further 418m² of mezzanine space and finally unit 3 would provide 465m² of ground floor space. The total site area would be shared with a drive through restaurant

5. This application is being reported to the Central and East Planning Committee as it is classed as a major development.
6. Having regards to the content of the PPG and the Town and Country Planning (Consultation) (England) Direction 2009 as the development constitutes out of centre retail development in excess of 5,000m² and in some conflict with the CDLP there is a requirement to refer the application to the Secretary of State (via the National Planning Casework Unit) in the event of a resolution to approve the development.

PLANNING HISTORY

7. DM/14/03806/OUT 7777 square metres of Trade Warehousing and Showrooms (Use Class B8) comprising 5207 square metres of new buildings and 2570 square metres of refurbished building, Drive Through Restaurant (A3/A5) and associated car parking (235 car spaces) Approved subject to S106 22nd May 2015

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. 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.
10. The following elements of the NPPF are considered relevant to this proposal.
11. *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.
12. *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.

13. *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.
14. *NPPF Part 7 - Ensuring the vitality of town centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
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.

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) (CDLP)

23. *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.
24. *Policy S1A – Retail Hierarchy* – seeks to protect and promote the vitality and viability of all centres within the local retail hierarchy.
25. *Policy S9B – Major Out of Centre Proposals* – states that where there is an identified need for large-scale retail and leisure development that cannot be met through existing allocations, preference should be for sites within the city centre, followed by edge of city centre locations, district centres locations, local shopping centre locations and only when the development cannot be accommodated in these locations, then elsewhere within the built up area of Durham City provided certain criteria are met.
26. *Policy EMP8.a – General Industrial Sites* – designates general industrial sites, and identifies the site of Dragonville Industrial Estate as being suitable for B1, B2 and B8 development.
27. *Policy H13 – Residential Areas- Impact upon Character and Amenity.* Seeks to protect the character and levels of residential amenity those living in such areas can reasonably expect to enjoy.
28. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
29. *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.

30. *Policy Q3 – External Parking Areas.* Requires that external parking areas provided as part of a new development should be landscaped, adequately surfaced, demarcated, lit and signed. Large surface car parks should be sub-divided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
31. *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.
32. *Policy Q5 – Landscaping – General –* requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
33. *Policy Q15 – Art in Design.* Seeks to encourage the provision of artistic elements in the design and layout of development.
34. *Policy T1 – Transport – General –* states that developments that would generate traffic which would be detrimental to highway safety or amenity of adjoining occupiers will be resisted.
35. *Policy T10 – 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.
36. *Policy T19 – Cycle Routes –* encourages the provision of facilities for parking cycles in the city centre and other locations which are secure, protected from the weather and clearly signed.
37. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
38. *Policy CC1 – Vitality and Viability –* states that the Council will seek to protect and enhance the vitality and viability of the city centre by promoting a mix of uses, and sustaining the city centre shopping centre in accordance with other retail policies.
39. *Policy U5 – Pollution Prevention.* States that planning permission will not be granted for development that may generate pollution that will have an unacceptably adverse impact upon the local environment, the amenity of nearby and adjoining land and property or that would unnecessarily constrain the development of neighbouring land.
40. *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.
41. *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.

42. *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.

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

RELEVANT EMERGING POLICY:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. Belmont Parish Council – Raises no objections. Concern was raised in relation to the increase in traffic on Dragon Lane but it is acknowledged that the impacts would be manageable and the contribution toward the Sherburn Road Relief Road is supported. The employment opportunities are welcomed and the ecological work is supported also.
45. *Highway Authority* – Raise no objections but note that trip generation from the retail development would impact on the local highway network, however, this would be mitigated by the proposed Retail Park Link Road. The construction of the link road is an essential requirement without which development traffic could not be increased on Dragon Lane. County Council modelling has indicated that the addition of development traffic without the link road would result in severe congestion and delay on Dragon Lane and the linking highway network. In order to deliver the link road between Rennys Lane and Damson Way, and signalise the Damson Way A181 junction funding has been secured through the Council's capital grant funding. This has been approved by Council Cabinet. However current estimates indicate this presents a total financial shortfall of £500,000 to deliver a scheme that can accommodate all new development flows. A re calculation based on trips generated from this development requires a contribution of £137,500 towards the overall shortfall for the link road. The remainder of the shortfall would be provided by the consented former Mono Containers site and the recently approved Alexage site.
46. *Drainage and Coastal Protection* – Raise no objections noting that the drainage scheme for the site was approved and implemented through the previous planning permission.

INTERNAL CONSULTEE RESPONSES:

47. *Spatial Policy* – Raise no objections noting that the requirements of the sequential assessment have been met by the applicant. The site is an out of centre site and whilst other in centre and edge of centre sites exist there are logical reasons as to why they can be discounted. The applicants have also provided an impact assessment of the proposed development which concludes that the proposal would not have a significant adverse impact on the vitality and viability of nearby centres and also on any investment. The conclusions of this assessment are again accepted. Officers have requested that use of the site is restricted to bulky goods retail by condition.
48. *Design and Conservation* – Raise no objection to the indicative layout, design and external appearance of the units. Improvements have been requested in respect of landscaping.
49. *Environment, Health & Consumer Protection (Air Quality)* – Raise no objections. Officers have stated that based on the predicted vehicle movements it is not necessary to carry out a detailed air quality assessment in regards to the operational phase of the development. A Dust Action Plan should be conditioned in respects to the construction phase of the development.
50. *Environment, Health & Consumer Protection (Land Contamination)* – Raise no objections subject to a remedial works condition being applied.
51. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections but has recommended conditions to ensure that noise from the development would not cause and adverse impact to noise sensitive receptors.
52. *Landscape* – Raise no objections but request additional soft landscaping.
53. *Ecology* – No ecology issues are raised but it is requested that the mitigation measures set out in the Ecological Appraisal are secured by condition.

PUBLIC RESPONSES:

54. The application has been advertised by means of individual notification letters, site notice and press notice

APPLICANTS STATEMENT:

55. This application seeks outline planning permission (with all matters reserved, except for access) for new retail development on land to the east of Dragon Lane and west of McIntyre Way, Dragonville Industrial Estate, Durham. The illustrative layout submitted with the application shows the development of 5,398 sqm gross of Class A1 (non-food) retail floorspace in total (including mezzanine floors), spread over three units. Whilst occupiers are yet to be confirmed for the proposed retail units, it is anticipated that they will be bulky goods retailers – for example, selling DIY goods, furniture, carpets/floor coverings and/or electricals.
56. The applicants have worked with Council Officers in order to develop a scheme which is acceptable and addresses all of the relevant planning issues. The proposed development would use two of the vehicular accesses approved as part of the previous proposals on the site. Including those proposed as part of the parallel McDonalds application, the development would provide around 234 parking spaces, and a scheme of hard and soft landscaping, including pedestrian routes which also link to the surrounding network of footways.

57. As the site does not lie within an existing centre, an assessment of the proposals against the key sequential and impact tests, as set out in the NPPF, have been undertaken. It has been demonstrated that there are no sites within existing centres which are suitable and available to accommodate the proposed development. It has also been demonstrated that the proposed development would not result in any significant adverse impact, either upon investment in centres, or town centre vitality and viability. The majority of the trade diversion would be from stores which are unrelated to existing centres and/or located outside of the local area - reflecting the nature of the likely operators and the limited bulky goods offer within such centres.
58. Whilst the site is currently allocated as a general industrial site in the adopted Local Plan, recent employment land studies have identified a significant over-supply of employment land across the County, against a background of falling requirements. The recent approval including a drive-thru restaurant on the application site has also confirmed the acceptability of developing non-B Class development on the site and reflects the local plan's approach to other, adjacent land at Dragonville Industrial Estate.
59. The proposed developments would result in a range of benefits. These benefits include:
- Generating linked trips and spin-off trade for Sherburn Road/Dragon Lane District Centre;
 - Reducing the need for local residents to travel to use non-food bulky goods retail facilities in locations further afield;
 - The creation of a significant number of new, locally accessible employment opportunities; and
 - The regeneration of a currently vacant site, in a prominent location on Dragon Lane.
 - It has also been demonstrated that the proposed developments would be conveniently accessible by a choice of means of transport, and be appropriate to the surrounding context in terms of design.

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=documents&keyVal=PC00U3GDM7700>

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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 development, design and impact upon the surrounding area, access and highway safety issues, residential amenity, flooding and drainage and other issues.

Principle of Development

61. The application site benefits from an extant planning permission for 7,777m² of trade warehousing and showrooms (use class B8) comprising 5,207m² of new buildings and 2,507m² of refurbished building, drive-through restaurant (use class A3/A5) and associated car parking (235 spaces), which has been implemented on site. This represents a fall-back position for the application site when considering this proposal.
62. 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 a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
63. CDLP Policy S1(A) defines a retail hierarchy of centres within the Durham City area, placing Durham City Centre first, District Centres (including Dragon Lane / Sherburn Road) second and Local Centres third. This approach to defining a retail hierarchy is consistent with the guidance at Paragraph 85 of the NPPF which states a need to define a network and hierarchy of centres that is resilient to anticipated future economic changes, the Policy is therefore up to date in this respect and can be given full weight in the planning process. CDLP Policy CC1 identifies that the city centre of Durham be protected or enhanced to ensure its vitality and viability through promoting mixed uses. Policy CC1 states that the “sequential approach” to site selection should be followed in respects to major retail and leisure development. The NPPF similarly requires the sequential approach to be adopted. Development out with the city centre should be subject to the ‘sequential approach’ of major retail development being located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Policy CC1 is considered largely consistent with the content of the NPPF, though not fully consistent as Policy CC1 explains that the sequential approach will be applied to retail and leisure developments whilst the NPPF requires a broader application. Both the CDLP and Paragraph 88 of the NPPF require a sequential test to be undertaken in regards to the development and this is discussed below.
64. The application site is allocated under CDLP Policy EMP8 (a) as the site forms part of the wider Dragonville Industrial estate. This policy is permissive of business (B1), general industrial (B2) and warehousing (B8) uses. The development does not propose a B use development type and therefore conflicts with the allocated land use. However, CDLP Policy S9B states that where there is an identified need for large scale retail and leisure proposal that cannot be met through existing allocations, preference should be for sites within the city centre, followed by edge of city centre locations, district centre locations, local shopping centre locations and only where the development cannot be accommodated in these location, then elsewhere within the built up area of Durham City provided certain criteria are met including that the impact of the development, including cumulative impacts with other developments do not adversely affect the vitality and viability of any existing centres. The policy is considered partially consistent with the NPPF given the reference to the sequential approach and the need to consider impacts on the vitality and viability of existing centres. It also requires an identified need to be established which is not reflected in the NPPF.
65. With regards to the Local Plan policies S1A, CC1 and S9B, whilst relevant, the NPPF through paragraphs 86-90 provide more up to date guidance and therefore are the retail planning framework for assessing applications of this type.

66. Paragraph 86 states that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
67. Paragraph 87 confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs are required to demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
68. Paragraph 89 recognises that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date local plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold (if there is not locally set threshold, the default threshold is 2,500sqm of gross floorspace). This should include an assessment of:
 - a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
69. Paragraph 90 confirms that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

Sequential test

70. The site is located within 300m and adjacent to the defined Sherburn Road/Dragonville district centre and approximately 2.8km from Durham city centre and the defined primary frontage within the city centre. It is therefore considered to be 'out of centre' for the purposes of retail development.
71. The applicant has submitted a sequential test, considering the potential of sites for the proposed development in Durham city centre and Sherburn Road/Dragonville district centre.
72. The applicant has concluded that there are no site opportunities within the city centre. The applicant has referenced sites at Claypath, The Gates shopping centre, the bus station on North Road and Milburngate House, stating the reasons why these sites are not available or suitable to accommodate the proposed development. In addition they have considered units that currently lie vacant within the city centre. The applicant's conclusions are broadly accepted, none of these sites are considered suitable, or in the case of sites at Claypath, The Gates, Milburngate, and the bus station available for the proposed development.
73. The applicant has concluded that there are no available sites within the Sherburn Road/Dragonville district centre. These conclusions are again accepted, the centre is fully developed out with no existing development plots. There are currently 2 vacant units available including the former Poundworld unit, the applicant has failed to acknowledge this however it is noted that the application proposes 5,398sqm of floorspace which could not be accommodated within these 2 vacant units.

74. The applicant acknowledges that sites exist at the former Mono Containers site, the Alexage Site and land to the east of Damson Way. It is agreed that these are sites are sequentially equal to the application site. In addition, the site at Alexage has recently received planning permission for a Lidl supermarket and 'The Range' store. Finally the applicant has considered a vacant unit at Durham Retail Park, they conclude that the site is not of a sufficient size, is not available and not sequentially preferable. Again these conclusions are accepted.
75. Based on the available information it is considered that the proposal has satisfied the requirements of the sequential test.

Impact test

76. The application proposes 5,398sqm of retail floorspace, an impact test is therefore required and has been submitted by the applicant. Importantly the applicants have assumed the proposed units will be occupied by bulky goods retailers in considering the potential retail impacts of the proposed development. The applicant has considered the impact that the proposal would have on any plans for public or private investment in Durham city centre or the Arnison and Sherburn Road/Dragon Lane district centres. They have concluded that the proposal would not give rise to any significant adverse impact on planned public or private investment within these centres referencing the absence of any directly comparable schemes in in centre locations.

There is currently significant investment in the city centre ongoing however such investment is not in the bulky goods sector and would not be impacted on by the proposed scheme. There has been recent investment at the Arnison Centre however nothing planned and likewise there is no planned investment within the Sherburn Road/Dragon Lane district centre.

In terms of impact of the proposal on town centre vitality and viability, the applicant has provided detailed analysis to support the application.

The assessment is based on the findings of the most up to date DCC retail evidence available, the Durham Retail and Town Centre Study 2018. This forms the basis of the defined primary catchment area, Zone 8a (inner Durham) and part of Zone 8b (outer Durham). The assessment therefore provides a detailed assessment of the impacts on Durham city centre and Sherburn Road/Dragon Lane district centre as well as the Arnison Centre.

The applicant has concluded that the proposed development would not result in any significant adverse impact on town centre vitality and viability. This is based on the majority of trade diversion coming from facilities that are not located within the local area or within a defined centre in the retail hierarchy.

Crucially, this is based on the nature of the likely operators and the limited bulky goods offer within nearby centres. The impacts on the city centre and the Arnison Centre are considered by the applicant to be minimal, conversely they conclude that the majority of forecast impact will be on Durham City Retail Park which is not within a defined centre. Durham Retail Park is home to more bulky type retailers (B&Q, Currys/PC World, Carpetright, SCS), and on the premise that like affects like, these conclusions are broadly accepted. In addition, the city centre and the Arnison centre have more comparison/high street type retailing which is not comparable to retail considered in the impact assessment.

77. The NPPF sets out that there are three dimensions to sustainable development, the economic, social and environmental roles and these roles should not be taken in isolation because they are mutually dependant. In relation to the economic and social roles it is recognised that there are regeneration benefits associated with the proposal. This includes the physical regeneration benefits of development of a previously developed site. The site has good access to public transport with regular bus service to the city centre and the wider area within walking distance of the site. Further to this the job creation benefits should be afforded some weight. The development would therefore contribute to the economic and social dimensions of sustainable development. However full consideration needs to be given to the potential environmental effects of the development and these are assessed below.

Conclusion on Principle

78. The wider impacts of the proposals have been assessed through retail impact and sequential tests which have concluded that the development could be accommodated without impact upon the viability and vitality of the city centre and other retail areas in the city, and that alternative sites cannot be found. The site is considered sustainably located with access to public transport and links to the city centre and beyond. Regeneration brought by the scheme would bring economic and social benefits from the proposals, as would the re-use of a previously developed site. Policies most important for determining the application are considered out of date and as such, the assessment of the application would be required under Paragraph 11d) of the NPPF to ascertain if the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, or whether the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. The sustainability of the site weighs in favour of the development and the assessment of other areas below will be accounted for within the planning balance.

Design and Impact upon the Surrounding Area

79. The development site was formerly occupied by Kerry Foods, a single occupier consisting of brick built offices and sheds with the staff car park fronting on to Dragon Lane. These buildings were demolished in 2014/15 to make way for the approved B8 units and vehicle repair garage. Phase 1 of this development on the southern edge was completed along with roads and drainage for Phases 2 and 3.
80. CDLP Policies Q1, Q2, Q3, Q4 and Q5 together require safe, inclusive, accessible and good quality, well landscaped developments. These policies are considered to be consistent with the NPPF. CDLP Policy Q15 seeks to encourage artistic elements within new development and seeks financial contributions in lieu in other circumstances. The NPPF is silent on art, however, it is supportive towards creating well designed spaces but its weight in the decision making process should be limited.
81. The indicative layout and unit sizes set out in this proposal show a single, subdivided building on the northern edge of the site with car parking in between and the proposed (through separate application) drive through restaurant on western edge. The indicative elevations show that the units would be of a form, proportions and height, and of a similar appearance and materials, to the other units within the site and the surrounding area creating aesthetic/contextual unity. Design and Landscape officers raised no objections, although additional soft landscaping was requested and revised plans submitted to this effect.

82. Overall, the proposed development represents an example of modern, standalone retail development that would be visually in keeping with existing development on the site, the surrounding area and other retail development. The redevelopment of the application site would significantly improve the visual appearance of the area, and so is considered to be in accordance with CDLP Policies Q1, Q2, Q3, Q4 and Q5. Art is not specially identified at this outline stage of the development but this can be addressed with the submission of reserved matters, though ultimately it is considered that a development of this nature can remain acceptable without an art installation. The proposal would therefore not conflict with CDLP Policy Q15. The development would accord with Part 12 of the NPPF.

Access and highway safety issues

83. CDLP Policy T1 requires development to not adversely impact upon highway safety or amenity of adjoining occupiers, and is considered partially consistent with the NPPF. Paragraph 111 of the NPPF requires applications which proposed significant amounts of traffic movements should be supported by a Transport Assessment (TA) and at paragraph 109 advises that development should only be refused where unacceptable highway safety impacts would occur or where the residual cumulative impacts are severe. Concerns over local highway capacity of the road network to accommodate additional flows and the resultant impact on highway safety have been raised by some local residents.
84. Dragon Lane and surrounding roads north (Sunderland Road) and south (A181, Sherburn Road) have been highlighted by the Highways Authority as already operating above their designed capacities through volume of traffic and is acknowledged, in part, by the modelling undertaken within the TA. The Highways Authority confirm that the proposals would not be able to be accommodated by the existing highway network. As part of their comments upon the application, the Highways Authority note that the authority are in the process of funding and designing a 'Retail Park Relief Road' which would operate to the east of the application site and take in part of Damson Way from the junction of Sherburn Road and the linking to Rennys Lane and McIntyre Way adjacent to the Durham City Retail Park.
85. The Highway Authority confirm that the planned relief road would be required to mitigate the impacts of this proposed development and in so doing would ensure that the proposals would not lead to a severe cumulative impact upon the surrounding highways network. The Highways Authority therefore request a formal contribution from the developer towards the provision of the relief road which can be secured through planning obligation. The developer has confirmed their acceptance of this approach.
86. The scheme proposes 234 car parking spaces, sufficient to accommodate the proposed development under the Council's Retail Car Parking Standards. Vehicular access is proposed from the existing site access to the east on McIntyre Way with the existing northern access retained and modified for use as the service vehicle access. The Highways Authority have raised no objections to the proposed access arrangements.
87. Overall, based on the advice of the Highway Authority, the proposed retail development would lead to an impact upon an already saturated network that without appropriate mitigation would lead to an impact upon the highway network. As a result, the Retail Park Relief Road is considered necessary to mitigate the impacts of the development and a financial contribution towards the cost of providing this mitigation would be secured. The access arrangements are deemed appropriate. Subject to providing a contribution towards the Retail Park Relief Road, the proposal is considered acceptable in highways terms and complies with CDLP Policy T1 and Part 9 of the NPPF.

88. Though an applicable Policy, T10 is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy T10 are out of date. As a result the Policy is attributed very limited weight in the decision making process.

Residential Amenity

89. CDLP Policy H13 requires new development to protect the amenities of neighbouring occupiers and land users in the vicinity of the development site. This Policy is considered compliant with Paragraph 127 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. CDLP Policy U5 states that planning permission will not be granted for development that may generate pollution that will have an unacceptably adverse impact upon the local environment, the amenity of nearby and adjoining land and property or that would unnecessarily constrain the development of neighbouring land. This policy is considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 15 of the NPPF seeks to avoid noise from giving rise to significant new impacts.
90. The closest residential properties to the site are Teesdale Terrace, Rennys Lane and Providence Place, which border the site to the south and west. A range of impacts from the proposal are possible upon the residential occupiers of these buildings. Primarily, the general impacts associated with the operations of site occupiers such as vehicle movements of customers, operation of machinery and plant and deliveries. The proposed store opening hours are unknown at this time but the likely end users would operate within standard hours which are comparable to similar uses in the vicinity, including the neighbouring supermarkets and other retail uses. Noise generated from the movement of cars would be within acceptable levels during the majority of the day, as it would be assimilated into the high overall background noise level of this busy retail location.
91. The Noise Assessment has been reviewed by the Council's Environmental Health and Consumer Protection officers and they are satisfied that the proposal would not result in a statutory nuisance. The noise assessment suggests that noise rating level from the development would be 3dB below night-time background noise levels at the nearest noise sensitive receptors and therefore not lead to an adverse impact. However this noise level is based upon indicative values only and with regard to certain noise mitigation measures suggested in paragraph 5.1.6 of the Noise Assessment. Given the proximity of the noise sensitive properties to the proposed delivery yard concerns are raised that noise from deliveries would cause an adverse impact. To ensure that noise is mitigated it is recommended that conditions be included requiring the noise mitigation measures set out in the Noise Assessment be carried out, deliveries to be restricted to 0700-2200 and construction management details to be submitted.
92. The construction phase of any new major development can be one which lasts several months or years and can, as a result lead to impacts of their own upon the surrounding area. Primary impacts include noise, dust, vibration and light and can cause significant impacts upon nearby residents if not controlled. The proximity of neighbouring residential properties would make some form of control appropriate to safeguard amenity. As set out in the previous paragraph, a condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties would therefore be appropriate in order to safeguard amenity during the construction phase of the development.

93. Overall, whilst it is reasonable that there would be a minor reduction in the level of amenity experienced by the occupiers of surrounding residential properties due to the proximity of the development, most of the noise impacts would be assimilated into the background noise climate in the operational phase. No objections were received from nearby residents or other premises with regard to amenity concerns and no objections are raised by Environment, Health and Consumer Protection officers subject to the imposition of planning conditions where necessary. The development is therefore considered to comply with CDLP Policies H13 and U5 and Parts 8 and 15 of the NPPF in this respect.

Flooding and Drainage

94. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment. Paragraph 163 of the NPPF specifically requires development to ensure flood risk is not increased elsewhere. CDLP Policy U10 seeks to prevent increases in flood risk occurring due to development whilst Policy U8a requires satisfactory drainage provisions within development. Both policies have consistency with the NPPF.
95. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low fluvial flood risk probability. A mains sewer connection is proposed for both foul and surface water connections.
96. The site is brownfield and contains existing hardstandings, buildings, roads and drainage infrastructure previously installed. The application proposes to make use of an already implemented drainage scheme. The site does not benefit from soakaways and the existing hardstandings and roads are representative of how the site would drain with the proposed buildings in place. The application includes a drainage strategy outlining this and that ground conditions are unsuitable for a scheme of soakaway and that there is not a known watercourse within a suitable distance of the site for surface water disposal. The drainage scheme devised therefore involves the surface water run-off from the site entering into the public sewer network.
97. The drainage scheme details that an underground storage tank is to be utilised capable of attenuating surface water to a run off rate of 18 litres per second. Drainage and Coastal Protection officers have commented that as the drainage scheme for the site has been previously approved and implemented it is suitable for use in the proposed development.
98. Paragraph 163 of the NPPF requires new development to not increase flood risk elsewhere. Officers are satisfied that this is the case having regards to the drainage system to be utilised and the run-off rates proposed to be adhered to. Notwithstanding this and as the development is proposed in outline at this stage a condition is recommended to require the submission of a final surface and foul water drainage scheme and this can take account for any alterations to the design of the final buildings should this occur.

Other Issues

99. In relation to land contamination the applicant has submitted a Site Investigation Report which identifies a remediation strategy to make the site safe and suitable for redevelopment. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advises that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations in line with CDLP Policy U11 (consistent with the NPPF) and Part 15 of the NPPF.

100. In relation to heritage matters there would be no impacts resulting from this development proposals: the site is some distance from the Durham City and Sherburn House Conservation Areas and Durham Cathedral and Castle World Heritage Site boundary, and there are no listed buildings in the immediate vicinity.
101. Paragraph 170 of the NPPF advises that new and existing development should avoid contributing to unacceptable levels of pollution, including air pollution. The proposed development would lead to an increase in traffic movements in the vicinity of the application site and subsequently through the Air Quality Management Area (AQMA) to north at the junction with Dragon Lane and Sunderland Road. However, in highway safety terms the proposed development would not be acceptable without mitigation of increased traffic movements as a result of the proposed use. This mitigation would take the form of a proposed Retail Park Relief Road to the east of the application site and the AQMA. The relief road, as discussed earlier in this report, would link McIntyre Way adjacent to the Durham City Retail Park with Damson Way resulting in junction improvements where this meets Sherburn Road. This second north-south route would be considered to relieve vehicle movements upon Dragon Lane from both this development and the existing traffic levels. The Council's Environment, Health and Consumer Protection officer acknowledges the principle of the relief road and its wider impact upon existing traffic levels through the AQMA. In addition, based on the predicted levels of traffic movements associated with the development it would not be necessary to carry out a detailed air quality assessment.
102. A framework travel plan that would encourage the use of alternative means of transport other than the private car has been submitted in support of the application. To ensure that such measures are implemented a condition to ensure the delivery of such a travel plan is advised in the event of an approval.
103. The application sites offer little by way of ecological habitat. The scale and nature of the development and its urban location would be unlikely to bring about any meaningful biodiversity gains, however the submitted Ecological Appraisal highlights some low level mitigation measures and therefore the Ecology Team have raised no objections subject to the implementation of these mitigation measures. The proposal would therefore not conflict with CDLP Policy E16 or Part 15 of the NPPF.

Planning Obligations

104. The NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 sets out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contribution towards highway network improvements is considered to be in accordance with these tests.

Planning Balance

105. In summary, CDLP policies most important for determining the application are considered out of date and as such, assessment of the application is required under Paragraph 11d) of the NPPF to ascertain if the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, or whether the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. In this instance there are no such protective policies which provide a clear reason for refusal.

Benefits

106. The development would bring forward a previously developed site in a run down and in places derelict condition that is in close proximity to services and public transport links. Regeneration of the site would bring job opportunities benefiting the local economy. Some economic benefit would also emerge from the construction phase of the development.
107. A betterment in surface water run-off discharge from the site over the current site conditions and the extant planning consent would reduce flood risk. Albeit this benefit is reduced somewhat by the proposals not being able to hit the 'greenfield' run-off rate for a site of this size.

Adverse Impacts

108. A minor reduction in the level of amenity experienced by the occupiers of surrounding residential properties due to the proximity of the development is likely to result.

CONCLUSION

109. The NPPF sets out that there are three dimensions to sustainable development, the economic, social and environmental roles and these roles should not be taken in isolation because they are mutually dependant.
110. The scheme would protect the vitality and viability of existing centres in the city centre and nearby district centres. The scheme would also provide for job creation at both the construction phase and once operational. The development would therefore contribute significantly to the economic and social dimensions of sustainable development.

In relation to the environmental effects, the re-development of the site would address the overall untidy condition and improve the visual appearance of the application site, enhancing the character and appearance of the area through use of contemporary design and materials, together with a layout respectful to the proposed end use, existing buildings on site and surrounding constraints.

111. The proposal would be served by an appropriate means of access but would have an unacceptable impact on the wider highway network without mitigation. A financial contribution towards the provision of a 'Retail Park Relief Road' between Rennys Lane and the A181 via Damson Way would be necessary to mitigate the impacts of the proposed development.
112. The presence of a noise climate with a high background level would result in limited, if any impact upon the nearest residential properties subject planning conditions. The scheme is considered to not increase the risk of flooding elsewhere.
113. In the planning balance the scheme is considered to represent sustainable development with no policies within the NPPF which protect areas or assets of particular importance providing a clear reason for refusal, whilst any adverse impacts arising from the development would not significantly and demonstrably outweigh the benefits.

RECOMMENDATION

That the application be MINDED TO **APPROVE** subject to the referral of the application to the Secretary of State; and, in the event of the application not being called in, the Head of Planning be authorised to determine the application and subject to; the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution (£137,500) towards the delivery of the Retail Park Link Road, and subject to the following conditions:

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out only in accordance with the approved plans and specifications as they relate to vehicular access to the site as contained within:

Drawing No. 2004-S4-P3 Proposed Indicative Site Plan

Ecological Appraisal Dated 26 March 2018

Flood Risk Assessment Ref. T/16/1757/FRA Dated 16 July 2018

Reason: In order to achieve the objectives of Policies EMP8a and T1 of the City of Durham Local Plan 2004.

4. Sale of items from the development hereby approved shall be restricted to non-food, bulky goods limited to DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products, gardens centre products, homewares, bicycles, toys and ancillary items thereto and shall not be used for any other purpose including those set out in Class A1 of Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or re-enacting that Order with or without modification.

Reason: In order to restrict unplanned retail impact in accordance with City of Durham Local Plan Policy S1a and Part 7 of the National Planning Policy Framework.

5. Within a period of six months of the first occupation of any individual retail unit within the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in respect of that unit. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: In the interests of minimising traffic generation and encouraging sustainable travel, in accordance with the objectives of Policy T1 of the City of Durham Local Plan 2004 and Part 9 of the NPPF.

6. No trading shall be carried out until full details of refuse storage and external lighting, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and operated in accordance with the agreed details.

Reason: In the interests of residential amenity in accordance with City of Durham Local Plan Policy H13 and Part 15 of the National Planning Policy Framework.

7. 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. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 - b. Details of methods and means of noise reduction/suppression.
 - c. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - d. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 - e. Designation, layout and design of construction access and egress points;
 - f. Details for the provision of directional signage (on and off site);
 - g. Details of routes for HGV vehicles routes to and from the site;
 - h. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - i. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 - j. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - k. Routing agreements for construction traffic.
 - l. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - m. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - n. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
 - o. 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 order to protect the amenity of neighbouring residents from commencement of the development in accordance with Policies H13 and T1 of the City of Durham Local Plan and 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.

8. No development shall commence (excluding services diversions and any land remediation/ground improvement works) until an Employment & Skills Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment.

9. In undertaking the development that is hereby approved:

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

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

10. In relation to contaminated land, all documents submitted relating to Phase 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

(a) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with the YALPAG Guidance and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with the YALPAG Guidance. The development shall be completed in accordance with any amended specification of works.

(b) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Remediation Statement dated 4th June 2016 shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development and prior to occupancy.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 15 of the National Planning Policy Framework.

11. The development hereby shall be carried out in full accordance with the mitigation set out in the Ecological Appraisal Dated 26 March 2018

Reason: In the interests of nature conservation in accordance with City of Durham Local Plan Policy E16 and Part 15 of the National Planning Policy Framework.

12. Notwithstanding the details submitted with the application, a minimum of 2no. electric vehicle charging parking facilities shall be provided on the site and remain in in working order.

Reason: In the interests of promoting sustainable travel in accordance with Policy T1 of the City of Durham Local Plan and Parts 4 and 8 of the National Planning Policy Framework.

13. No development shall commence until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the long term management and maintenance measures and proposals. The drainage shall be completed and maintained thereafter in accordance with the details agreed.

Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan and Part 14 of the National Planning Policy Framework. This is required as a pre commencement condition to ensure that the proposed development provides adequate levels of drainage which needs to be considered before site works commence

14. Prior to the occupation of each of the retail uses hereby approved details of the proposed opening/operating hours of the units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the units shall operate in accordance with the approved details.

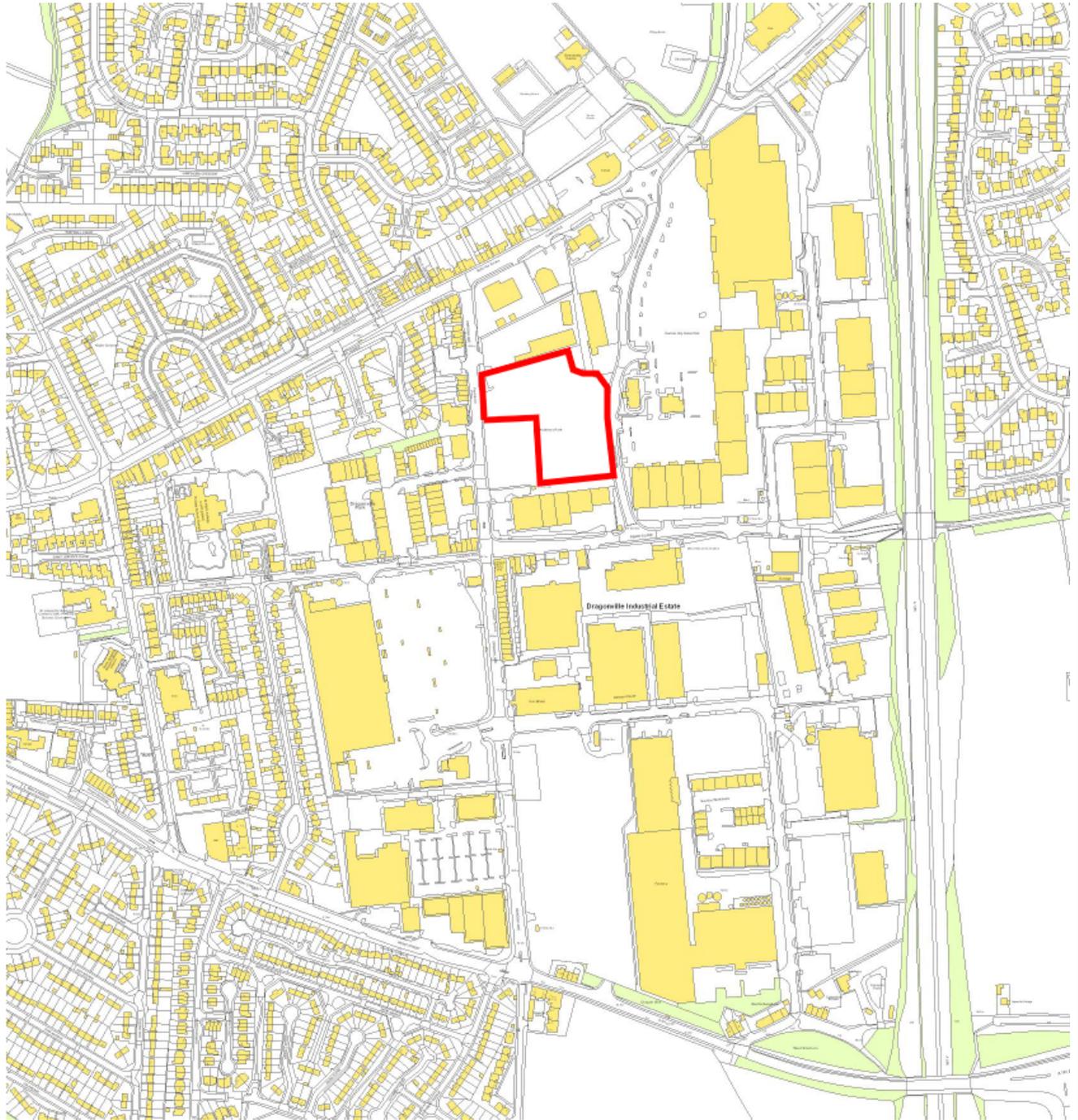
Reason: In the interests of defining the consent and residential amenity having regard to Policies U5 and U7 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- City of Durham Local Plan 1997.
- DCC SuDs Adoption Guide 2016.
- Statutory, internal and public consultation responses.



Planning Services

DM/18/02152/OUT

Erection of retail development (Use Class A1) with associated access, parking and landscaping (with all matters reserved except for access) at St Andrews Park, Dragon Lane, Gilesgate

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Comments

Date November 2018

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