



Area Planning Committee (Central and East)

Date Tuesday 11 April 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 14 March 2023 (Pages 3 - 28)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/22/03232/FPA - 4-6 Silver Street, Durham, DH1 3RB
(Pages 29 - 56)
Change Of Use from Class E 'Commercial, Business and Services' to a mixed-use comprising uses within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities.
 - b) DM/21/03322/OUT - Snowdons, Seaside Lane, Easington Village, Peterlee, SR8 3TW (Pages 57 - 84)
Demolition of existing house and rear storage buildings and erection of 41 no. 1 and 2 storey dwellings, with details of proposed access off Seaside Lane and associated parking and landscaping (amended title).
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
30 March 2023

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

Councillor D Freeman (Chair)
Councillor L A Holmes (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,
J Elmer, C Kay, D McKenna, R Manchester, C Marshall,
J Quinn, K Robson, K Shaw and A Surtees

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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 14 March 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors L A Holmes (Vice-Chair), I Cochrane, J Cosslett, S Deinali, J Elmer, D McKenna, R Manchester, C Marshall, E Peeke (substitute for J Quinn), K Robson, K Shaw and A Simpson (substitute for L Brown)

Also Present:

Councillors C Hood, F Tinsley and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, L Brown, C Kay, J Quinn and A Surtees.

2 Substitute Members

Councillor A Simpson substituted for Councillor L Brown and Councillor E Peeke substituted for Councillor J Quinn.

3 Minutes

The minutes of the meeting held on 14 February 2023 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to application on the agenda. He added that he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

Councillor C Marshall noted he was aware of both applications from his previous role as Portfolio Holder for Economic Regeneration, however, he had a clear mind in terms of looking at the applications at Committee.

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

a DM/22/03636/PNT - Land south west of Kepier Community Clinic, Kepier Crescent, Gilesgate Moor, DH1 1PH

The Planning Officer, Michelle Penman 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 prior notification for installation of 15m Phase 9 monopole together with wraparound cabinet at base, 3no. ancillary equipment cabinets, and associated ancillary works and was recommended for approval, subject to the conditions as set out in the report.

The Planning Officer noted that the prior notification application was only considering the siting and appearance, not the principle of the development and that should Members be minded to approve the prior notification, it would be subject to the amended plans showing the reduced height of the monopole and stipulating the colour as being fir green (RAL).

The Chair thanked the Planning Officer and asked Parish Councillor Patrick Conway to speak on behalf of Belmont Parish Council in relation to the application.

Parish Councillor P Conway noted that the Parish Council recognised that in the 21st Century there was a need for 5G connectivity and understood the need for such development to take place. He added the Parish Council welcomed the reduction in height from an original 20 metres down to 15 metres, however, he noted that the applicant had not engaged with the Parish Council or Residents' Association on proposed alternative sites.

Parish Councillor P Conway explained that only two of the three nearby schools had been contacted, with St. Joseph's RC Primary School having not been contacted. He noted this demonstrated that the consultation had not been as thorough as it should have been. He noted that there had been public health concerns raised, noting that the Durham Alliance for Community Care operated their clinic nearby six days a week. He added that while the report indicated that information was that a health risk was 'unlikely' he noted that the 'jury was still out'. He reiterated that there were a number of alternative sites put forward, and there was no need for the monopole at this site, others could accommodate it.

Parish Councillor P Conway noted that paragraph 34 of the report referred to National Planning Policy Framework (NPPF) paragraph 115 which was clear in stating that the '*number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum*'. He explained that the Parish Council did not feel there was sufficient evidence in terms of need and noted over the last two to three months there had been two similar applications, and he was sure there would be more within the city and wider county. He added that, bearing in mind NPPF paragraph 115, the Parish Council felt it would be very helpful if the Local Authority would look at supplementary planning documents (SPDs) that would help support the County Durham Plan (CDP) in respect of such masts, and that it would be a good opportunity now to look at the issue regardless of the decision made by Committee on this particular application.

The Chair thanked Parish Councillor P Conway and asked Carole Lattin, representing the Gilesgate Residents' Association to speak in relation to the application.

C Lattin thanked the Chair and the Committee and noted she would echo the comments from the Parish Council and would add that the representations received from residents were numerous and that not all were set out on the Planning Portal. She explained that people did not object in principle, rather it was felt this particular mast was in the wrong place. She added that the same network had several other monopoles in the area, with one less than 300 metres away from the proposed site, a more appropriate siting. She explained that the applicant had not engaged with the Parish Council or Residents' Association, with no contact prior to the application being submitted. C Lattin noted that paragraph 31 of the Officer's report set out that the application was for the siting and visual appearance, and not the principle, and she noted that while the proposed height had been reduced by five metres, it was still 15 metres, next to a single storey building, Keiper Clinic. She added that in comparison to the Clinic and bungalows at Whitwell Court the proposed mast was three times the height and would affect the skyline and visual profile of the area.

She noted that those best placed to judge the impact were those that encountered the area on a daily basis, adding that all three County Councillors, the Parish Council and Residents' Association had all made representations against the proposals, with a lot of the representations made citing a loss of visual amenity. She noted that the Residents' Association recommended a review of policy and would urge developers to contact local community to help find suitable sites to help cut out such numerous objections in the future.

The Chair thanked C Lattin and asked the Planning Officer to comment on the points raised by the speakers.

The Planning Officer explained that there was a level of consideration given to other sites, they had been discounted, with the applicant submitting documents to show the site was the ideal location, sited to the south to avoid the residential area and to not be sited on a footpath. She added some of the alternative sites mentioned by objectors had been discussed, with one on the A690 having been discounted as it would not be safe in terms of any maintenance works. She noted that there was a mast north east of the site and the proposals were to target a hole in coverage. Accordingly, Officers were satisfied that alternative site had been looked at. As regards any health concerns, the Planning Officer noted she understood the point being made, however, paragraph 118 of the NPPF noted that Planning Authorities should not look to set health safeguards different from the International Commission guidelines for public exposure.

The Chair thanked the Planning Officer and asked the Committee for their comments and questions.

Councillor K Robson noted he would have liked to hear from the applicant as regards the points raised by the speakers. The Chair noted that there was no representative from the applicant at Committee, their comments and information being as set out by the Planning Officer in her report and presentation.

Councillor R Manchester noted there appeared to be no concerns raised and that while points had been made as regards local consultation, they were outside of determination of the application. He proposed the application be approved as per the Officer's report and presentation. He was seconded by Councillor S Deinali.

Upon a vote being taken it was:

RESOLVED

That Prior Approval be **APPROVED**, subject to the conditions as set out within the report, including a condition relating to the amended plans which includes details of the proposed colour.

b DM/22/01537/FPA - The Orchard, Hallgarth, High Pittington, Durham, DH6 1AB

The Senior Planning Officer, Lisa Morina (LM) 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 change of use of dwelling (Use Class C3) to spa facility (Use Class E(e)) including removal of existing front door and installation of new entrance door to northern elevation and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Senior Planning Officer (LM) and asked Councillor D Hall, Local Member, to speak in relation to the application.

Councillor D Hall thanked the Chair and Committee and explained that he represented the Sherburn Division, which included High Pittington and the small hamlet of Hallgarth. He noted Members would have had sight of his e-mail to the Committee and therefore he would give a summary of why he felt the application should be deferred to allow for consideration of a noise management plan for the proposed spa and the cumulative impact that would have when considering the proposals with the existing site. He noted from residents that the noise worsened with seasonal events and that one nearby local resident suffered with dementia and another family nearby had a child with autism. He explained that residents had reported that issues with noise were worse than last year, and added that the spa proposals would impact upon residential amenity as visitors and associated noise would be closer to residents. Councillor D Hall noted that the applicant had promised a noise management plan, however, it had not come forward and added that he was aware a plan was drafted for the wider site including addition of holiday pods. He emphasised that he felt it was essential that the noise management plan include the spa site and be enforced. He noted that he did not want to stop the hotel, rather he wanted the hotel to be successful but not to the detriment and impact on the mental health of residents, their families and children. He again asked that the Committee defer the application.

The Chair thanked Councillor D Hall and asked the Committee Services Officer to read out submissions by registered speakers who had been unable to attend the meeting.

The Committee Services Officer read out a statement from Simon and Elisa Berry, Local Residents in objection to the application.

“Thank you for the opportunity to express our concerns over this planning application, and I’m sorry we cannot be there in person.

Contrary to what this statement may appear - we would really like the Hallgarth Manor Hotel to become commercially successful. Both myself and my wife grew up in Pitlington and returned to the village 15 years ago. We have raised our sons in the Village and they both attended the local primary school. Ideally would like to see the Hallgarth Manor Hotel be a proud addition to a thriving Village.

Our specific concerns over this planning application are already documented. The reason for this statement is to put things into a personal context.

We have significant problems with the way that the Hallgarth Manor Hotel currently run their events, and specifically their disregard for the impact that their events have on their neighbours. This has led us to pursue a noise complaint with Durham council that is still ongoing. Over the Summer period it is common for them to run events 4 out of 7 days a week. These events commonly include live outside bands. When inside, the events go on until 12pm, including Sundays. The specific details of this, and the result of a noise survey, are all documented in our noise complaint.

The frustrating thing for us is that there is a solution, because when they do run their events respectfully, we have no issue with them. However, this is not often. They do not believe they need to engage, and do not accept that they are doing anything incorrect or harmful to our lives.

There is also a specific concern for us. Our son is autistic and has a learning disability. He is sensitive to bass sounds and on a good day will only get agitated when he hears the music, but on a bad day he will self harm significantly. Both Durham council and the Hallgarth Management have seen photos of the wounds caused by noise from the events, when they are run irresponsibly. Both myself and my wife are registered carers and our son attends Durham Trinity school. He is also under CAMHS and the effect that the Hallgarth events are having is documented in his medical history.

Throughout all this, the owner has not engaged. I have never spoken to him despite numerous attempts to do so. The management response is that they can do nothing more than ask that the doors are kept shut and try to keep the sound limiters on. They will not insist on this however, and from numerous times we have asked them to do this, they see us as a nuisance.

I realise that reading a one-sided viewpoint there will always be questions about how reasonable the statement is. However there are facts that can be checked to substantiate our concerns. At the meeting with the case officer last year the owner promised to fix a wall which was in serious risk of falling and speak to one of the residents about bass control at a face to face meeting last year - both of which didn't happen. They have also not removed the surveying bolt that was placed on our (the residents) land, this land was illegally surveyed because they did not have permission for the survey.

And specific to this application, at the meeting with the case officer last year the owner promised to carry out a site wide noise management plan as part of the planning application for the Spa, this again has not been carried through.

Further to this there are consistent representations from the majority of the immediate neighbours to this application.

We don't believe that the Hallgarth Manor Hotel is being run in a manner that a village like Pittington deserves. It does not show the Village, or its residents, any respect.

The application for the Spa should, in theory, be something we would welcome. But there has been a considerable loss of trust in how the business is run and I'm afraid that there is nothing for us to believe that they will run the Spa any more responsibly than they will their current business.

For this reason, we have objected to the planning permission".

The Committee Services Officer read out a statement from Billy Walton, Local Resident in objection to the application.

"My family and I have been residents in the area of Hallgarth for over 25 years. I have recently submitted an objection to the proposed planning application for change of use of the existing house known as the Orchard, from residential to spa use.

The house was previously owned by an elderly couple who despite marketing the property for a long period of time could not sell it due to the concerns of noise and disturbances from the hotel functions, this continued until the hotel eventually purchased the house.

This seemed like a very convenient strategy from them because it eliminated the problem of complaints from the "then" occupiers of the Orchard household, and also to give them freedom to expand the existing commercial operation further into a residential area.

Since the sale completed the noise levels and disturbance that We have been experiencing from the Hallgarth Manor House for over 20 years has gotten worse than ever.

A previous owner from the Orchard House once had an unwelcome visitor that was actually found in her kitchen they had gained access through the hedge that separated the property from the Manor. I understand that this was not the current occupiers responsibility but now that they have cut down the conifer hedge that has been growing there for 30 years and replaced in part with low fence and farm gate for access.

My point is that this not only makes access from the Manor easier but transfers the trespassing problem to the next house in line, which is a bungalow resided at by a 95-year-old lady who needs care and support. Security precautions should have been made to protect old and vulnerable neighbours as soon as the property was acquired by the Hotel.

In principle we have no objection to any business achieving success nor to the enjoyment of their patrons but this should not be at the expense of destroying ours and our neighbour's quality of life.

In the summer of 2022 we had meetings with planners and representatives of the Manor including the owner, he seemed at the time to be very constructive and willing to listen. However some of the verbally agreed solutions to our concerns have not been followed up and it feels like a case of "tell them what they want to hear" for the benefit of the planning officers in attendance.

The impact of the resident's quality of life should be seriously considered in this application, and so should the impact of wildlife and the environment. We are serviced in this area by septic Tanks for our sewerage and worry that the chemical waste from an operating spa may not be disposed of safely. We are proud of this tranquil little hamlet and we need help to be protect it from commercial use and the power and wealth that comes with it.

We should also be mindful and look at the big picture, to see that this proposal and the concurrent application to Grant a premises licence, allowing them to play live or recorded music outdoors until the early hours of the morning doesn't make commercial sense, why would you want to be able to play late night music outdoors and potentially disturb your own hotel guests and Spa customers. The application would also eliminate any constraints that were previously agreed to limit noise levels within the premises because the noise outside would drown it out and would also be heard for miles. Please don't allow a possible late night venue to be dressed as a Hotel and Spa.

As residents all we want is to be able to enjoy the basic comforts of life. To be able to sit in our own gardens when the weather allows without worrying that disturbance from across the street will make it unbearable and to be able to go to bed at night and be able to sleep.

We are dreading the arrival of the summer months when outdoor activities can take place and worry about what might come next amidst the rumours of glamping pods and live outdoor bands.

This area is a conservation zone and residential, please don't allow it to be expanded, commercialized and turned into something that is more suited to a city centre".

The Chair thanked the Committee Services Officer and asked Joseph Cuthbert, Agent for the applicant to speak in support of the application.

J Cuthbert reminded Members of the context of the impact of the Coronavirus pandemic on the hotel and hospitality industry and explained the owner of the hotel had a number of hotels in the county. He noted that Hallgarth Manor was at risk of closure and needed investment to survive. He explained that a spa offer was fundamental as part of a short break package to secure the hotel's future. He added that the planned redevelopment would take place at the hotel over a few years and would be done so sympathetically to secure the future of the business. He noted any future application would be for future consideration, in terms of the additions referred to by Councillor D Hall, noting the challenges in terms of the existing listed building and conservation area. He noted therefore the decision had been made to purchase The Orchard and to, through minor internal alteration, provide spa facilities.

Councillor M Wilkes entered the meeting at 10.22am

J Cuthbert noted that Planning Officers had stated the application would not harm the Listed Building or conservation area and would positively sustain heritage. He noted access would be via Hallgarth Road and the access was a typical entrance and would not be altered, it would be retained for use in terms of maintenance, with most access being from the main hotel.

In reference to noise, J Cuthbert noted the issue had been raised for a number of years, usually associated with activities such as weddings in the gardens. He added there had been some misunderstandings as regards the current application, noting that it would not generate any additional noise as activities associated with the spa were not external. He concluded by noting that the spa development was the first stage in redeveloping the hotel into a boutique hotel with an emphasis on relaxation and not events, and would ask that the Committee approve the application.

The Chair thanked the speakers and asked the Senior Planning Officer (LM) if she could address the points raised.

The Senior Planning Officer (LM) noted that the application before Members did not refer to any wider redevelopment of the hotel and any such application would be considered on its own merits. She noted that the larger management plan referred to was not relevant to this application, noting that the Council's Environmental Health Section were satisfied with the assessments and information submitted in relation to the proposed spa, subject to conditions as set out within the report. She noted that only information relating to the spa development was relevant for this application, and in respect of any Licensing application she noted that would be dealt with under separate legislation. She noted that the use in terms of music and events for a number of years, reiterating Licensing applications were separate from Planning.

The Chair thanked the Senior Planning Officer (LM) and asked the Committee for their comments and questions.

Councillor J Elmer noted there was a lot to unpack in terms of the application. He noted frustration in terms of a lack of information in respect of plant equipment as it may have considerable energy consumption and be of interest to the Committee. He noted there was no information as regards chemicals being used, and what the treatment and disposal would be of waste water. He explained that the big issue appeared to be the local concerns raised as regards increasing noise levels. He understood as regards the separate Licensing application, however, asked why a noise management plan had not been requested.

The Senior Planning Officer (LM) noted that Environmental Health had originally asked for additional information and upon receipt, they had considered that, subject to the conditions within the report, that the application was not unacceptable in terms of noise. She noted external elements, such as the terrace were set out at Condition 7 in terms of the extent of hours it may be used. She explained that the red line plan was for The Orchard, and not the existing Manor and reiterated that only the spa element was being considered in the application before Committee, with conditions as set out.

The Chair noted the issue of waste water had been raised by Councillor J Elmer. The Senior Planning Officer (LM) noted that such disposal was, again, outside of planning and covered under separate legislation.

Councillor J Elmer noted the application may be considered contentious by those objecting, however, there did not appear to be any planning policy basis on which to overturn the Officer's recommendation.

He reiterated his frustration in terms of lack of environmental impacts, however, he would reluctantly move approval as per the Officer's recommendation.

Councillor K Robson seconded the motion for approval, noting that the noise issues seemed to relate to a previous permission and use and it was stated there would not be additional noise from the proposed spa. He noted it was important to try to get people to visit County Durham and promote all the County had to offer.

Councillor C Marshall noted, after listening to the representations made, he was minded to approve the application and supported the promotion of County Durham. He suggested for future applications, that the operator worked and engaged early with Local Members and residents to try to work out issues prior to applications coming to Committee.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report.

c DM/21/04262/FPA - Mount Oswald Golf Club, South Road, Durham, DH1 3TQ

The Senior Planning Officer, Steve France (SF) 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 9 no. dwellings and alterations to existing access road and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

Councillor M Wilkes left the meeting at 10.35am

The Senior Planning Officer (SF) noted support from internal consultees and added that objections had been received from the City of Durham Parish Council, the City of Durham Trust, Local Member, Mount Oswald Residents' Association and individual residents. He noted many comparisons were drawn between the scheme within the application and a previous scheme for the site which would have been for five passive houses. He noted that the application before Members should be considered on its own merits and not in comparison to any previous scheme.

Councillor M Wilkes entered the meeting at 10.40am

The Senior Planning Officer (SF) noted there had also been a number of letters in support of the application and reiterated that the application was in line with policy and that the principle of development itself was already accepted, with the previously accepted scheme.

The Chair thanked the Senior Planning Officer (SF) and asked Parish Councillor Susan Walker to speak on behalf of the City of Durham Parish Council.

Parish Councillor S Walker thanked the Chair and Committee for the opportunity to speak in relation to the application. She explained that the City of Durham Parish Council strongly objected to the application as it failed to meet the primary and stated object for this small section of the Mount Oswald estate; namely to create properties whose energy needs were primarily met using their own renewable energy and do not rely on external supplies, primarily imported from hydrocarbon sources. She noted the application site currently benefited from planning permission for the development of five dwellings, which was granted by the Local Planning Authority in March 2018, with the original scheme having set itself apart from a sustainability perspective. She noted that therefore it was highly disappointing that the original proposal had been replaced with an alternative scheme which, for reasons unknown, increased the proposed number of dwellings from five units to nine and entirely abandoned the original sustainability concept of this development.

Parish Councillor S Walker noted that CDP Policy 29 stated:

“All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: contribute positively to an area’s character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security; minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source”;

Councillor C Hood entered the meeting at 10.55am

Parish Councillor S Walker noted it was that all new development should seek to minimise the use of resources, including energy, and should apply both during construction and the lifetime of the completed development. She added that it also meant that renewable energy technologies would be encouraged on-site, and where opportunities for viable installations had been identified, it was expected that such installations would go forward as part of the development. She explained that major developments would also be required to connect to an existing or approved district energy scheme where viable opportunities existed.

Parish Councillor S Walker noted that whilst the Parish Council welcomed the inclusion of photo-voltaic (PV) solar panels on each dwelling, the Sustainability Checklist did not include any detail, pertaining to how sustainability would be embedded into the design of the development. She noted that no other renewable energy technologies, such as district heating, had been considered by the applicant. She added that, given the forthcoming Future Homes Standard in 2025, the Parish Council was disappointed that no consideration had been given to district heating or indeed other low carbon technologies, such as air-source heat pumps, ground-source heat pumps or Passivhaus, and as such the application did not comply with Policy 29(c) of the CDP.

Parish Councillor S Walker reminded the Committee that Durham County Council (DCC) declared a Climate Emergency in 2019 and it was incumbent on any developer to play a role in seeking to reduce carbon emissions and respond to this to reduce emissions and help deliver a forward looking and future proof development. She added that this was a critical opportunity for Banks, as a sponsor of the County Council's Environmental awards, to produce a flagship carbon neutral development as an exemplar for the County. She noted that Banks should both welcome and grasp the opportunity, as should the County Council.

Parish Councillor S Walker explained that Neighbourhood Plan Policies D4 and S1 were equally clear in that they demand new development proposals to fully minimise energy consumption and carbon emissions through the use of appropriate materials and design, with this proposal being clearly contrary to those policies. She noted there appears to be no justification for the over massing of the site, nor the abandonment of the clear environmental aims of the previously proposed development for five passive homes. She concluded by noting that the Parish Council humbly requests that the application be refused today.

The Chair thanked Parish Councillor S Walker and asked Lewis Stokes, from the applicant, Banks, to speak in support of the application.

L Stokes thanked the Chair and Committee and explained he was Community Relations Manager with Banks and had spent the last 12 years working with local communities in the area as regards the Mount Oswald development. He explained that Banks was a family ran business, operating for 40 years and having 230 employees, many from within County Durham.

L Stokes explained that Banks welcomed the Senior Planning Officer's report and recommendation. He noted the overall development was a high level site, with outline permission having been granted in 2013, and with a number of reserved matters applications to build out the site. He noted that in 2018 there had been proposals for this particular site, for an innovative scheme using prefabricated dwellings from Sweden, however, due to economic and provider issues that scheme was not implemented. L Stokes explained that the current proposal for nine properties, which were felt would better integrate into the wider Mount Oswald site and with existing properties. He noted the properties were of generous proportions and were of bespoke design. He noted there were numerous benefits of the scheme in terms of contributions of £418,095 for new affordable housing in the city, additional areas of bio-diversity net gain at Mount Oswald, £15,651 for public open space provision in the local area.

L Stokes noted that Banks had listened to the Parish Council and Local Member, L Brown and there was to be inclusion of PV solar panels on the roofs to generate renewable energy as well as electric charging points in each home. He noted that Banks were keen to begin development and that there would be separate application in respect of the gatehouse. He added that the construction road would be reinstated as parkland once the development was completed. He concluded by noting retail development to the north of the overall site, that feedback had been listened to, and that he would ask the Committee to support the recommendation of its Officer's report.

The Chair thanked L Stokes and asked the Senior Planning Officer (SF) to address the points raised by the speakers.

The Senior Planning Officer (SF) noted that planning policies within the CDP and Neighbourhood Plan (NP) were widely aspirational in terms of sustainability, however, it was felt the application met current standards at an acceptable level and that enhanced Building Control regulations would overachieve compared to DCC planning policy. He noted the benefits of the scheme as described by the applicant were basic mitigation, with the scheme not being deemed acceptable without those mitigations.

The Chair thanked the Senior Planning Officer (SF) and asked the Committee for their comments and questions.

Councillor J Elmer asked as for a policy statement in respect of the previous Masterplan for the site. The Senior Planning Officer (SF) noted that it was not relevant for this application, it being a full planning application, the Masterplan referred to the Reserved Matters applications previously mentioned. Councillor J Elmer noted that he felt that brought into question the Masterplan process.

Councillor J Elmer explained he felt that it was a great shame that the scheme for five passive homes had been dropped in favour of additional housing, the application being for nine properties that only met minimum requirements and lacked consideration of heating solutions, which were possible and viable, such as air-source or ground-source heat pumps. He noted that therefore that with disappointment he would move that the application be refused as it was contrary to CDP Policy 29, in terms of not making the best use of resources, and in this case energy.

Councillor C Marshall noted his previous work with Banks in terms of his former role as Cabinet Member for Economic Regeneration. He asked as regards viability of district heating for self-build plots. The Senior Planning Officer (SF) noted none of the nine units were self-build and noted that CDP Policy 29(c) encouraged looking at such measures, however, the applicant had not explored that option for this development. He added that district heating would usually be for a larger development and not for one of this size.

Councillor J Elmer noted CDP Policy 29 being described as aspirational and added that it was an adopted plan and therefore was as relevant as any other in the CDP and terming it as aspirational inferred to him that it carried less weight. The Senior Planning Officer (SF) noted that it was not his intention to infer it was to any degree lesser, and it was a fully adopted policy. He added that the policy had minimum standards as well as areas in which it looked to encourage other aspects. He noted the previous application for five passive homes was far above the minimum standards as set out by policy, however the current application for nine properties did meet the minimum requirements of that policy. He reiterated that in effect it was superseded by Building Control regulations.

Councillor K Shaw noted he understood the point being made by Councillor J Elmer, however, the application did meet the need for County Durham, giving diversity to the housing offer in terms of executive homes, helping to meet the 10 year need. He added that the contributions secured by the Section 106 Legal Agreement should be welcomed, especially in terms of affordable homes, and he therefore moved that the application be approved as per the Officer's recommendation. The Senior Planning Officer (SF) noted for clarity that the affordable housing contribution was for the area covered by the Durham City Neighbourhood Plan.

Councillor K Shaw noted that made the application even more attractive in his opinion.

Councillor C Marshall noted that having clarification from the Senior Planning Officer on the queries raised he felt overall that the scheme was well thought through and, as it compiled with policy, he would second approval in line with the Officer's report.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions and Section 106 Legal Agreement as set out within the report.

d DM/22/03456/FPA - First Floor And Second Floor, 84 Claypath, Durham, DH1 1RG

The Senior Planning Officer, Lisa Morina (LM) 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 conversion of first and second floors to form two 5-bed HMOs (Use Class C4) including window changes to lightwell elevation and was recommended for approval, subject to the conditions as set out in the report.

Councillor C Hood left the meeting at 11.08am

The Senior Planning Officer (LM) noted that the City of Durham Parish Council maintained their objection to the application following the submission of further information by the applicant in respect of odour control. It was noted that the Council's Environmental Health Officer had been satisfied subject to an additional condition to be added. She added that while there was no requirement by the Council in terms of the applicant having to submit a CMP, given the size of the application, the applicant did submit a plan and therefore it would be included and form part of the conditions, as well as the additional condition relating to odour control, should Members be minded to approve the application.

The Chair thanked the Senior Planning Officer (LM) and asked Parish Councillor S Walker, to speak in relation to the application.

Parish Councillor S Walker explained that the City of Durham Parish Council objected to the proposal as its form before Members and asked that the application was either refused or that additional conditions were applied to the proposal prior to work commencing and first occupation of the proposed dwelling.

Councillor C Marshall left the meeting at 11.25am

She explained that the Parish Council believed that the use of the upper floor of the site for residential purposes would not give rise to conflict with existing uses in the area and therefore was in accord with DCNP Policy E3, Part 3 of CDP Policy 16, CDP Policy 9 and Paragraph 86 of the NPPF. She noted that added to that, the Parish Council welcomed that the proposed development did not involve significant extensions or alterations to the exterior which would unacceptably alter the character or scale of the original building.

Parish Councillor S Walker noted that previous concerns raised by the Parish Council in respect of odour had now been addressed by condition. However, she noted that while the Parish Council considered that the principle of the use was acceptable, there remained concerns regarding the proposals and proposed conditions for waste management and bin storage in this part of the city, as well as details within the proposed Construction Management Plan (CMP).

Parish Councillor S Walker noted the design and access statement set out that refuse would be removed by a private contractor, and it was noted that the Parish Council considered that further details of the collection arrangements were required as the service yard was inaccessible with a lorry and the Parish Council were concerned that this would result in large bins being left on the street at Claypath. She added to which the development of William Robson House behind will exacerbate this problem, resulting in an adverse impact on highway safety, contrary to the requirements of CDP Policies 16 and 21.

Councillor C Marshall entered the meeting at 11.27am

Parish Councillor S Walker noted that, at present, there was no requirement to ensure that the bins were collected weekly, or as frequently as required, as referenced in paragraph 89 of the Committee report and nor was there a requirement that they were immediately removed from Claypath and returned to the proposed storage area. She explained that the Parish Council believed that proposed Condition 5 must be strengthened in order to reflect this requirement. She reiterated that bins along Claypath, particularly industrial sized waste bins, were a constant problem in terms of accessibility, the street scene and sense of place for the area.

She noted that the issue must be mitigated against at this early stage in order to ensure that the problem was not simply passed to another arm of the County Council, namely the Clean and Green Team or Neighbourhood Wardens. She noted the Parish Council would ask for a CMP, though welcomed the fact that the storage of materials would take place within the building, and that the Parish Council felt that there needed to be greater 'firming up' of details relating to deliveries. She noted that it was proposed within the CMP, and at Condition 6 of the Committee report, that no external construction works nor internal works audible outside the site boundary shall take place other than between the hours of 7:30 to 18:00 on Monday to Friday, and 8:00 to 17:00 on Saturdays. She noted that the Parish Council respectfully asked that if Members were minded to approve the application that the 7:30 start time be pushed back to 8:00 in order to safeguard the amenity of residents living at the care home, Claypath Court, directly opposite this application site.

The Chair thanked Parish Councillor S Walker and asked John Ashby, representing the City of Durham Trust to speak in objection to the application, noting there were accompanying slides that would be displayed as part of the representations.

J Ashby thanked the Chair and Committee for the opportunity to make representation and explained he was speaking on behalf of the City of Durham Trust and also for the St. Nicholas Community Forum, which endorsed the Trust's objections.

J Ashby explained that the City of Durham Trust considered that the proposals could be acceptable, indeed, student accommodation above retail was supported by the CDP and the DCNP. He noted that the Trust however objected, unless practical and effective measures to prevent noise and waste management nuisance were imposed so as to prevent negative impact on retail and commercial activities and protect the general amenity of neighbouring properties and residential amenity as required by CDP Policy 16.3 and DCNP Policy E3. He added that those issues were also highlighted by the County Council's Spatial Policy Team.

J Ashby explained that it was particularly noted that there was the potential for harm to the amenity of nearby residents, notably the elderly residents of Claypath Court and students living above most of the units in Lower Claypath, and also the problem of wheelie bins being left on Claypath for many days, even weeks.

On the issue of noise nuisance, J Ashby noted the Trust were grateful to the County Council's Officers for addressing the need for measures to protect the proposed new student bedrooms from external noise, with a suitable condition proposed within the Officer's report to ensure that noise levels are satisfactorily mitigated. He added that the Trust also welcomed the voluntary CMP.

J Ashby noted that however, management arrangements for household waste were not conditioned satisfactorily. He added that the Trust were pleased that paragraph 89 of the Committee Report stated that:

"Precise details for the means of refuse removal in that case is by private contractor who would move the bins to Claypath in line with the method previously employed for the offices and collected weekly or as frequently as required which is considered acceptable and this could be secured via planning condition."

He noted that, unfortunately, the list of proposed planning conditions in the report only required:

"5. All domestic waste generated by the HMOs hereby approved shall be stored in the area identified for bin storage on Drawing No. 315-005-01 entitled 'Proposed Site Plan' until such time it is removed from the site."

J Ashby noted there was no requirement to ensure that the bins were collected weekly or as frequently as required, nor that they were immediately removed from Claypath and returned to the storage area. He explained that large waste bins standing on Lower Claypath were already a familiar problem, obstructing pedestrians and especially people with prams, pushchairs or mobility vehicles, and indeed blocking the entrances of the ground floor commercial properties. He added that the absence of such a requirement in the proposed conditions may be merely an oversight however, given that paragraph 89 says this could be secured by a planning condition, the Trust would ask that Condition 5 be extended to include that requirement, otherwise, the Trust and St. Nicholas Community Forum maintain their objection to the application on the grounds of CDP Policy 16.3 and DCNP Policy E3.

The Chair thanked J Ashby and asked Steve Major, Agent for the applicant to speak in support of the application.

S Major noted he welcomed the good news from the Parish Council in terms of some elements of the scheme. He noted that the Officer's report and included applicant's statement set out and explained how the application met policy requirements.

He added that in terms of impact of noise on future occupants, the previous use had been as offices for a number of years and the mixed use would be separated with separate access, fire, noise and odour control. He noted there would be minimal impact upon the streetscene, elevations and commercial use. He noted that in terms of noise, sound mitigation could be certified and with a guaranteed performance, mitigate any potential issues. He noted that the standards for the development exceeded minimum Building Control regulations.

In reference to the refuse compound, S Major noted it would be enlarged as compared to the existing compound and private contractors would remove the bins when the lorry was ready to collect. He noted that this would avoid any bins being left on Claypath, adding if Members felt it necessary to have that underlined further within the Condition, the applicant would be acceptable to that. He noted that it was the same contractor that serve the 28 bed student accommodation and collections would be weekly or as required. He noted works would be carried out at the same time as those for the 28 bed student accommodation and the CMP had been approved by Officers, with only unloading and moving materials to storage to take place from Claypath.

The Chair thanked S Major and asked the Senior Planning Officer (LM) to address the points made.

The Senior Planning Officer (LM) noted if Members were minded Condition 5 relating to bin storage could be more detailed as required.

The Legal Officer (Planning and Highways), Laura Ackermann noted that Councillor C Marshall had briefly left the room and asked if he considered he could make a decision on the application. Councillor C Marshall noted had only stepped out briefly for a medical reason and explained that he had read the report, and listened to the speakers, and felt he would be able to come to a considered decision on the application.

Councillor C Marshall noted that it had been a while since he had seen such an application where an applicant had worked through the issues that had been raised by those in objection. He noted that therefore he would move that the application be approved, subject to an amended Condition 5 as mentioned, to contain additional detail in respect of bin storage and collection.

Councillor J Elmer asked if the CMP set out hours of operation, and whether they were set out as 8.00 start weekdays, as per the Parish Council's comments. He asked for confirmation that a private contractor was collecting residential waste, and whether it was only for the Council to undertake such collections.

The Principal Planning Officer, Paul Hopper noted that use of private contractors was not precluded, and the condition could specify no storage on Claypath.

The Senior Planning Officer (LM) noted that in terms of the CMP, the start times were set out with the same detail as contained in Condition 6, 7.30 to 18.00 Monday to Friday and 7.30 to 14.00 Saturdays, and these mirrored the previously approved conditions relating to William Robson House. Councillor J Elmer noted that on that basis he would second Councillor C Marshall's proposal for approval, subject to additional detail in Condition 5.

The Chair asked for clarification from the Officer as regards amended Condition 5. The Senior Planning Officer (LM) noted that detail would be added relating to removal, disposal of waste and return of bins to the storage area, and for bins not to be left on Claypath other than during the process of emptying, and reminded Members of an additional condition relating to odour control.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions set out within the report, an amended Condition 5 in respect of bin storage and an additional condition relating to odour control.

e DM/22/02761/FPA - Fernhill, Newcastle Road, Crossgate Moor, Durham, DH1 4JZ

The Senior Planning Officer, Jennifer Jennings (JJ) 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 proposed redevelopment of stables to provide 1 no. 3 bed dwelling and was recommended for approval, subject to the conditions as set out in the report.

Councillor M Wilkes left the meeting at 11.47am

Members were asked to recall that a previous application for a four bed property over two floors had been refused by Committee and dismissed at appeal by the Planning Inspectorate. The Senior Planning Officer (JJ) noted that the resubmitted application had sought to address the issues raised in the refusal at Committee and dismissal at appeal.

She noted that Officers had felt the current application was in line with policy and had addressed previous concerns, including as regards the impact upon the openness of the green belt, with the proposals having the same footprint as the existing stables. She noted that an additional letter of support for the application had been received subsequent to the publication of the agenda papers. She concluded by noting that the current application was felt to be in line with policy, and had also been considered in the context of the Inspector's Report following the previous appeal decision, and therefore was recommended for approval, subject to the conditions as set out in the Committee report.

The Chair thanked the Senior Planning Officer (JJ) and asked Parish Councillor Grenville Holland, representing the City of Durham Parish Council, to speak in relation to the application.

Parish Councillor G Holland thanked the Chair and Committee and reminded all that just over a year ago he had spoken at this Committee on behalf of the Parish Council about what was an ongoing attempt to construct a house at Fernhill which was located well inside Green Belt land, a status it had enjoyed for almost 20 years. He explained that when Fernhill was included in a Green Belt in the 2004 City of Durham Local Plan it was with the full support of the Inspector, the City Council's Planning Officers who made the recommendation, the Councillors and the public. He noted that those plans were operational until 2020. He explained that, however, during the preparation of the CDP, the County Council's Planning Officers had been far less enthusiastic and earmarked Fernhill for removal from the Green Belt, but the Inspector had disagreed saying "*I am not persuaded that there are exceptional circumstances to justify the removal of Fernhill from the Green Belt.*"

Parish Councillor G Holland noted that this background provided an insight into the planning history of Fernhill from 2003 to 2021 with eight applications, five of them either refused and dismissed on appeal or withdrawn. He noted that despite the further adjustments that had been made to the 2021 application, the Parish Council remained concerned that this was still an inappropriate development in the Green Belt. He added that, in her report, the Senior Planning Officer had made great use of NPPF Paragraph 149 Section (g) which was seen as the only obstacle in the way of this intended development. He explained that Paragraph 149 stated that "*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*". Parish Councillor G Holland noted the NPPF offered six exceptions to cover unusual circumstances, four of which fell well outside the realm of Fernhill, while the last two, (f) and (g) sequentially consider in (f): "*limited affordable housing for local community needs*"; and in (g): "*contribute to meeting an identified affordable housing need*".

Parish Councillor G Holland noted that the NPPF focus when considering the Green Belt was on '*affordable housing*' and emphasised that the proposed new house at Fernhill was most certainly not in that category. He noted that the essential protective measures for the Green Belt were found in NPPF Paragraphs 148, 149 and 174. He added that Paragraph 148 required that "*local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*" while 174 noted that "*decisions should contribute to and enhance the natural and local environment by*", first, "*protecting and enhancing valued landscapes*". He noted that the application merely sought to minimise the environmental damage, but certainly did not enhance the environment. He explained that those constraints underpinned CDP Policies 20 and 39 and DCNP Policies H3 and G4.

Parish Councillor G Holland noted that in the report to the previous planning meeting on 9 November 2021, Officers had recommended approval, however, the Committee had recognised the strength of the planning issues involved and refused approval, a decision subsequently endorsed by the Inspector at the Appeal hearing. He noted that the Officer's report was very well written and presented, as she skilfully sought to answer the concerns raised by the Appeal Inspector. He added that the report also hinged on the interpretation placed on NPPF Paragraph 149 (g). He explained that the paragraph was split into two, with the first section addressing the impact on the openness of the Green Belt; and the second addressing affordable housing need within the area, which Fernhill clearly fails. He noted, however, the two sections were separated by the word '*or*' rather than '*and*'. Parish Councillor G Holland noted that it might have been clearer if, in 2012, Paragraph 149 had been split into (g) and (h), or amended at a later review.

Parish Councillor G Holland noted that, however, the Parish Council continued to have concern that the application still constituted unjustified development in this Green Belt, contrary to NPPF Paragraphs 148, 149 and 174 and CDP Policy 20 and the DCNP Policy G4. He concluded by noting that with the extensive planning history of Fernhill, and this Committee's long involvement with the decisions that it had carefully made in the past, the ball was once more in their court.

The Chair thanked Parish Councillor G Holland and asked Joe Ridgeon, Agent for the applicant, to speak in support of the application.

J Ridgeon noted Members would be well sighted on the application and the history of applications for the site. He noted that the recommendation for approval by Officers was welcomed and had been as a result of a number of changes from the previous application, including going from two storey to single storey, which represented no greater impact on the openness of the green belt than the existing stables.

He explained that in addition the design was sensitive to the site, working with notable architects, with the use of local materials and was sympathetic to the existing house. He noted that Officers had noted the proposals were acceptable, with the footprint having also been amended to protect nearby trees. J Ridgeon noted inclusion of impact assessments and measures to address the issues raised at appeal, reiterating that the impact on the openness of the green belt and on visual amenity were no greater than the existing stables, and therefore in accord with NPPF Paragraph 149. He reminded Members of the previous Committee meeting where NPPF Paragraph 149 had been displayed on the projector screen, and noted that it was not a sequential approach. He thanked the Committee for their time and asked that they support their Officer's recommendation for approval.

The Chair thanked J Ridgeon and asked the Senior Planning Officer (JJ) to address the points raised.

The Senior Planning Officer (JJ) noted that Officers understood the history of green belt allocation as related to the site and noted the application was considered and assessed against green belt policy. She noted that it was accepted that the proposals did not refer to affordable housing, however, the wording of NPPF Paragraph 149 doesn't require it to relate to affordable housing but allows for development on previously developed land where the impact was not greater than the existing development.

The Chair thanked the Senior Planning Officer (JJ) and asked the Committee for their comments and questions.

Councillor C Marshall noted he met the applicant in his previous role as Cabinet Member for Economic Regeneration, however, he had approached the application with a clear mind. He noted that the revised proposals represented a significant scaling back compared to the previous application and the site was within a fairly enclosed area, with the new scheme occupying almost the same footprint as the existing stables. He added that he felt the Inspector's comments had been helpful as regards which elements were not acceptable and noted he felt the current application was such that there were no planning grounds for approval. Councillor C Marshall noted that, accordingly, he would propose the application be approved as per the Officer's recommendation.

Councillor J Elmer noted that the previous application had represented a significant impact upon the green belt and had been refused by the Committee, against Officer recommendation, and the decision subsequently agreed with by the Inspector at appeal.

He added that now a reshaped application was before Members, one that was as a consequence of the Committee defending the Council's green belt policy at the previous application. He noted that the Committee had affected a change and added that Members needed to be consistent in their application of policy. Councillor J Elmer seconded the motion for approval.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions set out within the report.

6 Special Meeting - 30 March 2023

The Chair reminded Members that a Special meeting of the Committee was scheduled for 1.00pm, Thursday 30 March 2023.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03232/FPA
FULL APPLICATION DESCRIPTION:	Change Of Use from Class E 'Commercial, Business and Services' to a mixed-use comprising uses within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities.
NAME OF APPLICANT:	Anson House 12 Limited
ADDRESS:	4 - 6 Silver Street Durham DH1 3RB
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 265286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within Durham city centre, along the main shopping thoroughfare between Market Place to the north east and Framwellgate Bridge to the south west, within the defined primary retail shopping area. The site is located within the Conservation Area, with the rear of the building abutting the boundary of the World Heritage Site to the south. The building is not listed. Public rights of way nos. 66 and 67, known as Moatside Lane, abut the west and south of the site.
2. The building is relatively modern, built in the 1930s, with subsequent extensions up until the 1970s, including an attached annex building to the rear. It has a large footprint that covers the whole of the plot and measures some 60 metres in length stretching from Silver Street to Moatside Lane to the rear. It is three storeys in height with a wide modern shop front, consisting of six large, glazed panels and two quadruple door entrance points, and dominates a large section of this part of Silver Street. The upper two floors have a brick façade, with a regular placement of sash windows, some set within surrounds at first floor level. The building has a parapet and flat roof behind, upon which lie numerous air conditioning units and fans, ducting, steps, railings and service buildings.
3. Formerly occupied by Marks and Spencer and M&Co, the building has been used at ground and first floor level for retail purposes, with the second floor in use for offices

and staff facilities in one form or another. Permission was approved in 2022 to convert the first and second floors to student accommodation, not yet implemented. It is worth noting that this proposal, if approved, would preclude the student accommodation use from being implemented. Yorkshire Trading Co. currently operate retail from the ground floor only leaving the majority of the building's floorspace, if not vacant then, little used. Rear access to the property is achieved through Saddler Lane, within a gated courtyard area, access to which is taken off Saddler Street to the east. It is understood that some deliveries and servicing of the premises is achieved at this point.

4. The wider, mainly pedestrianised, area contains a typical mix of town centre uses, namely retail shops, leisure uses such as cafes, restaurants and bars, community and civic building and upper floor residential uses. Public transport facilities are available from the Market Place and the train station is a 7-minute walk.
5. The site is within Flood Zone 1 and Durham City Conservation Area.

The Proposal

6. The application seeks permission for a Change of Use from Class E 'Commercial, Business And Services' to a mixed-use comprising uses within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities.
7. Note, the illuminated fascia advertisements and signs are not part of the submission and would be subject to a separate Advertisement Consent application.
8. The applicant is seeking to utilise the full extent of the building (2729 sqm gross internal) to provide a mixed-use leisure facility, operated by STACK, an established regional operator of similar developments now throughout the country and including Newcastle, Carlisle, Seaburn and Lincoln. The building would house a mix of local independent tenants as well as operations ran directly by the applicant. The space is intended to be flexible to reflect current trends and customer requirements and is likely to change over time and throughout the year.
9. Three food outlets and two bars are proposed at ground floor located around a central seating 'plaza'. A stage is proposed to accommodate live music and comedy events. The first floor will contain additional food and drink areas plus seating and finally the second floor would accommodate an indoor games space plus a newly created external roof-top terrace.
10. Externally, public access will still be maintained from Silver Street via a refurbished shopfront. The shopfront works will see new PPC fascias, cladding and windows, a new recessed opening with the existing brickwork plinths retained and painted to match. The glazed openings will not be dressed and will allow unobstructed views into the active customer areas inside. Upper floor windows will be replaced with specialist acoustic units to match the existing pattern. There are no material changes proposed to the remainder of the front façade.
11. The proposed second floor or roof-top terrace provides seating only, centred around a glazed roof lantern. The terrace would be lined with planted screens. An external plant compound is also proposed at this level, plus internal plant rooms and lift overruns and back of house cellar storage/staff rooms.
12. The proposed hours of operation are to match the approved premises licence as follows:

08.00 - 00.30 Monday – Thursday
08.00 - 01.30 Friday – Sunday.

All bar sales and music will stop 30 minutes prior to the above and no regulated entertainment will be allowed on the roof terrace after 23.00.

13. This application is being considered by committee at the request of the City of Durham Parish Council.

PLANNING HISTORY

14. DM/20/03760/FPA - Partial change of use to create 58 bed Student Accommodation Facility to include the erection of a single storey extension to existing roof and associated access arrangements (amended title) (updated elevation and floor plan to south west) – Approved by committee 14.09.2021

PLANNING POLICY

NATIONAL POLICY

15. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
16. *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.
17. *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.
18. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
19. *NPPF Part 7 – Ensuring the Vitality of Town Centres.* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
20. *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.

21. *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.
22. *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.
23. *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.
24. *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.
25. *NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
26. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land

availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

28. *Policy 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to the site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy.

Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.

29. *Policy 9 Retail Hierarchy and Town Centre Development* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
30. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
31. *Policy 25 Developer Contributions*. Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
33. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well

as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

34. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
35. *Policy 35 Water Management*. Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
38. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
39. *Policy 43 Protected Species and Nationally and Locally Protected Sites* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species
40. *Policy 44 Historic Environment*. Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

41. *Policy 45 Durham Castle and Cathedral World Heritage Site.* Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exceptional circumstances.

City of Durham Neighbourhood Plan

42. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* seeks to set out the economic, social and environmental criteria that development proposals will be required to meet.
43. *Policy T1 Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
44. *Policy H1 Protection and Enhancement of the World Heritage Site* requires development proposals within the Neighbourhood to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views. its Outstanding Universal Value and to support the current adopted management plan.
45. *Policy H2 The Conservation Areas* expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
46. *Policy E4: Evening Economy* All development proposals, including those for a change of use, that would promote and/or support the early evening and night-time economy activity related to food and drink, arts and cultural uses, including later trading, will be supported provided that they contribute to the vitality and viability of the City Centre and add to, and improve, the cultural and diversity offer. Proposals should include a strategy regarding public safety and appropriate evidence that the development will have no significant adverse effect upon local amenity, including the amenity of local residents.

Supplementary Planning Documents

47. Residential Amenity Standards – January 2023.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. *City of Durham Parish Council* – Objects to the proposal on the basis that the development would not contribute to the vitality and viability of the city centre contrary to Policy E4 of the Neighbourhood Plan and Policy 9 of the CDP. They consider that additional food and drink uses are already well provided for in the city centre and retail is what the city desperately needs to enhance its vitality and ensure its sustainability. They consider that the proposed uses would not enhance the cultural offer of the city. They remain concerned that noise from the development and the roof terrace would lead to a negative impact on residential amenity for nearby residential properties, and that problems in terms of servicing and waste collection will occur in the constrained streets resulting in public safety issues. They remain concerned in terms of the lighting impact on the character of the Conservation Area and World Heritage Site as well as the proposed fire escape strategy.
49. *Highways Authority* – From a Highways perspective, this development would be considered acceptable. The site would be located in a highly sustainable location in the centre of Durham City, just a short walk from the bus station and train station. The site is in a well established commercial area with good links for pedestrians and cyclists to access the site. Given the location within the existing commercial area, servicing times are already controlled by a Traffic Regulation Order with set times when servicing can take place. This development would also have to service within those controlled times.

NON-STATUTORY RESPONSES:

50. *Spatial Policy* – The proposal is within the defined city centre and within the primary shopping area. The key planning policy considerations are:
- The principle of development within this location having regard to retail and town centre policy including the impact on vitality and viability;
 - Impact on amenity and public safety.
- The County Durham Plan and Durham City Neighbourhood Plan support the development of main town centre uses commensurate with the role of a particular centre, and which strengthen the role of existing centres. This proposal will introduce main town centre uses into an existing building within the city centre. Durham City has many vacant premises (vacancy rates stands at 14.3%), so proposals which help to secure the long-term occupancy of a building and mitigate the vacancy rate from heading in the wrong direction should be supported in principle. There are also many vacant units surrounding the application site on Silver Street where retail proposal could go, and this, in my view, leads to a conclusion that scheme is unlikely to have an adverse impact on the vitality and viability of the city centre, and in many ways will help to protect and promote it. For all these reasons there are no policy objections to the principle of this proposal. Matters of details will need to be assessed relating to amenity and pollution, and it will need to be determined that the proposal within a reconfigured building in an historic setting will be safe and secure for all users.
51. *Design and Conservation* - This is a wide-ranging application seeking consent for a range of uses across the site with external alterations, a roof-top terrace and associated facilities. The acceptability of the principle of development is a matter for others, however, Silver Street currently has an adverse impact on the significance of the Durham City Conservation Area, due to current levels of occupancy, building and public realm condition issues and any benefits to vitality and the character of the area derived from this proposal should weigh in the balance in the determination of the application by the case officer. The application has been the subject of pre submission discussions with the design and conservation team and as such certain elements have been refined, however, elements of detail remain to be clarified as set out in the advice and opportunities section below. There are two primary design and conservation issues, firstly is the alteration to the Silver Street façade and secondly is the design

and impact of the roof top terrace which has a direct relationship with the boundary of the Durham World Heritage Site, and as a result of lighting proposals, has the capacity to impact on this and the setting, character and appearance of other surrounding designated and non-designated heritage assets. It is considered that given the signage proposals included in this application are merely indicative and will be controlled by a further application, all matters relating to the frontage can be resolved by imposition of conditions requiring samples of materials and further clarification on colour finishes. With regard to the roof-top terrace the only matter of concern relates to the lighting proposal, and it is noted from the agent's response to the Parish Council comments that the applicant is willing to accept a condition to further consider and refine lighting proposals in due course. Subject to the imposition of the requested conditions it is considered that design and conservation issues can be addressed and that in respect to policy 44 and 45 of the CDP, and H1 and H2 of the DCNP, the proposal is acceptable.

52. *Environmental Health Nuisance* - A noise impact assessment has been undertaken to support this application, in summary it concludes the proposed venue can comply with a Noise Rating curve of NR20 as stipulated in BS8233:2014 Guidance on Sound Insulation and Noise Reduction in Buildings. This is an internal level based on identified noise sensitive receptors around 50meters away. The location of the premises in a predominantly commercial area in Durham City with other bars and late-night venues, being in the area. Whilst we accept noise within the fabric of the building can be contained, we would have concerns about the roof top seating area especially during late evening and morning hours. It should be noted the Premises Licence has been granted and noise conditions attached. We would therefore suggest the planning officer may want to consider the following conditions to mitigate against excessive noise and maintain a reasonable level of amenity.

In addition, I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows:

Having considered the information submitted with the application I believe the granting of planning permission for the development may potentially result in a statutory nuisance being created, as clarified below.

Noise from regulated entertainment and customers

However, I consider that the following conditions are sufficient to mitigate the potential of a statutory nuisance and therefore if affixed will remove my objection to the development.

- Noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall not be audible beyond the boundary of the premises to cause nuisance to nearby residents.
- There will be a noise management plan in place on the premises which should include regular noise monitoring during times when regulated entertainment is taking place.
- The premise shall not become operational until the noise management plan has been submitted to and approved by Environmental Health. This should be based on compliance with NR20 as stipulated in the noise report. We would suggest a verification assessment is undertaken to ensure the stipulated NR20 can be complied with and is achievable at the nearest noise sensitive receptor.

- No regulated entertainment in the form of live or recorded music will be permitted in the outside seating area after 23.00 hours.

Odour

An Odour Pollution Statement has been submitted, which states each food unit will be provided with a dedicated air extraction unit and electrostatic precipitator. A description of the precipitator has been provided; we would suggest a condition is affixed which requires details of the precipitators to be clarified, which should include a detailed schematic diagram of the extraction systems

Lighting

A Lighting Impact Assessment has been submitted which we agree with in principle. If planning permission is granted, then a condition should be affixed which requires:

Further details are required on the proposed external lighting for the site. Due to the proximity of the neighbouring premises light from the use could impact on residents/locality of the nearby properties. Therefore, a lighting spillage plan should be submitted with the application to show the predicted lighting levels at the nearest properties and locality.

EXTERNAL CONSULTEE RESPONSES:

53. *Police Architectural Liaison Officer* – requested consideration is given to coordinating deliveries in what is a busy pedestrianised area.
54. *City of Durham Trust* – opposes the proposal. They consider that the proposal would not contribute to the vitality and viability of the city centre, there is no deficiency of such proposed uses already, it would remove a significant element of retail space in the city further eroding the vitality and viability of the city centre. They consider that noise breakout will be detrimental to residential amenity, notably from the roof terrace and noise from patrons existing the premises is not accounted for. They raise concerns that the fire escape strategy is inadequate exiting into Moatside Lane resulting in a threat to public safety. They raise concerns in relation to the impact upon the historic environment, namely the roof terrace impact upon the World Heritage Site, including the lighting impact, and the impact of the proposed shopfront and signage.

PUBLIC RESPONSES:

55. The application was advertised by way of site notice, press notice and via direct letters to 71 neighbouring properties.
56. At the time of writing a total of 35 representations (objections) have been received in response to the consultation exercise. Additionally, a petition objecting and signed by 28 people has been received. Representations included objections from the Crossgate Community Partnership, the St Nicholas Community Forum and a pro-forma objection from 24 local food and drink businesses.
57. The main reasons for objection are as follows:
 - No need for additional food and drink businesses;
 - The unit should be retained in retail use to maintain vitality and viability;
 - Noise and disturbance to local residents;
 - Increase in anti-social behaviour;

- Inadequate fire escape strategy;
- Negative impact upon the World Heritage Centre/Conservation Area;
- Unreasonable competition for similar local businesses.

APPLICANT'S STATEMENT:

58. The application proposes a change of use application to the existing four storey building at 4-6 Silver Street into a new STACK facility that will promote and enhance the Durham City Centre's attraction. The site is in a highly accessible and sustainable location for the proposal that will bring back in full the existing building into uses appropriate for a City Centre location to support and enhance its vitality and viability.
59. The proposal will re-purpose an existing large-scale building to provide an exciting mixed-use space which includes food kiosks, cafes, bars and other leisure, entertainment and community uses. The proposal will allow for small businesses to occupy the spaces allowing for a variety of choice for consumers. The venue will also provide for live music performances and events for local people and visitors to Durham City Centre. Through enhancing the attraction of the centre, the proposal will support existing businesses within it as well as promoting the city centre as a location for new businesses to invest within it. The applicant and Council have worked in a positive and constructive manner to bring the proposed development forward through the planning system.
60. The existing building is largely vacant with only a small-scale temporary letting at ground floor level. The building was previously occupied by Marks and Spencer who vacated, relocating to the Arnison Centre five years ago in 2018. The building has subsequently not fulfilled its potential since Marks and Spencer vacated it. Extant planning permission exists to convert and extend upwards the building for student accommodation purposes, but this current application for STACK will retain the building in town centre commercial uses that generates high levels of local employment and provides service, leisure and community facilities for existing residents as well as tourists attracted to the area. The challenges affecting city and town centres are well documented. Durham City Centre also has its challenges with an above national average vacancy rates and one of the highest vacancy rates in the County which currently stands at 14.3%. The high vacancy rate detracts from the vitality and viability of Durham City Centre. The Spatial Policy Team have recognised that in permitting this proposal, there will still be plenty of units available for retail proposals to occupy. It is also recognised that there are several vacant units on Silver Street. This proposal would enhance the current vitality of the area and therefore attract further investment to the surrounding vacant units.
61. The Durham Tourism Management Plan (2016-2020) provides significant detail in how the county can prioritise investment in the tourism industry. The plan also recognises the gaps in the Durham offer and states that there is a lack of offering that would be found in more mature visitor destinations. The plan sets out these gaps and specifically cites that there is a gap in the evening economy and entertainment. It is recognised that in comparison with other heritage cities such as York and Bath, Durham's evening offer is limited. The plan identifies that a low key evening economy impacts on the ability of the county to attract staying visitors and the ability of Durham City to compete as a short break destination.
62. The proposal provides a mixed-use scheme which includes evening entertainment but also includes cafes, food kiosks and other day time attractions. The proposal would attract a range of visitors throughout the day and night therefore delivering towards

the aims of Visit County Durham in ensuring that visitors stay longer by providing a broad variety of attractions within the City Centre.

63. The proposal includes a roof terrace which is a key feature of the scheme and will be an attractive selling point for people visiting the street food outlets, bars and cafes of STACK. The Applicant has worked extensively with Durham County Council officers, specifically the Design and Conservation Officer who has recognised that the proposals would sustain the significance of the surrounding conservation area and setting of adjacent heritage assets subject to appropriately worded conditions. The WHS is also considered by officers to not be negatively impacted upon by the proposed roof terrace.
64. The applicant has also worked with the Environmental Health Officer to ensure that the proposed roof terrace would not negatively impact on the amenity of the surrounding area. Through this consultation, appropriate noise mitigation is proposed that ensures the amenity of surrounding residents.
65. We therefore conclude that the proposal revitalises a currently under-utilised site in Durham city centre. The STACK development provides inward investment within the city and wider area by providing new opportunities for small local businesses, employment opportunities and an exciting venue for local people and visitors that will enhance the vitality and viability of the City Centre.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the Development

67. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the Durham City Neighbourhood Plan (DCNP) comprise the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035, the DCNP was adopted in 2021.
68. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take

decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

69. The application site is located within Durham's City Centre. The site is therefore an appropriate location for 'main town centre' uses as described at Annex B of the NPPF and glossary of the CDP. All of the Class E 'Commercial, Business and Services' and Sui Generis 'drinking establishments and venues for live music performance' uses that the Site will include meet the definition of a main town centre uses in the NPPF and CDP.
70. Durham City is recognised as a sub-regional centre within the retail hierarchy set out within Policy 9 (Retail Hierarchy and Town Centre Development) of the CDP. The CDP supports new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. Within the Primary Shopping Areas, (retail) uses will be supported, and other uses will be permitted where they preserve the vitality and viability of the Primary Shopping Areas.
71. In a similar vein, Policy E3 (Retail Development) of the DCNP is supportive of proposals that contribute to the creation of a lively and vibrant City Centre, with the main town centre uses (which includes drinking establishments) cited as acceptable under part a). The change of use of ground floor premises to be used for entertainment purposes is permissible under part b). Policy E4 (Evening Economy) of the DCNP requires all proposals that would promote and/or support the early evening and night-time economy activity related to food and drink, arts and cultural uses, including later trading, will be supported provided that they contribute to the vitality and viability of the City Centre and add to, and improve, the cultural and diversity offer. The policy goes on to state that proposals should include a strategy regarding public safety and appropriate evidence that the development will have no significant adverse effect upon local amenity, including the amenity of local residents.
72. The Council monitor town centres on an annual basis and this provides an assessment of the mix of uses within town centres within the County. The most recent assessment of Durham City was carried out in summer 2022, and the number of vacant units stood at 14.3% (national average is 14.1). This proposal relates to a unit which is currently partially occupied (and was at the time of the last assessment), and therefore its re-use will have a neutral impact on the vacancy figures. Durham City centre has one of the highest vacancy rates in the County. In light of this, the proposal is unlikely to undermine the vitality or viability of the centre, as there will still be a relatively high number of units available for retail proposals to occupy. There is also currently a pocket/concentration of vacant units on Silver Street neighbouring the application site which reinforces the view that the proposal will not undermine the vitality and viability of the city centre. It is considered important that blank frontages are avoided where possible and given that the establishment will be open during the day as well as on an evening, it will assist with these two issues.
73. The applicant has advised that the STACK facility in Seaburn attracts approximately 100,000 monthly visitors, with 70% of visitors coming from the Sunderland area and 30% coming from outside this area. 55% of users of a STACK facility visit more than once and 65% stay for more than two hours. In Newcastle, 66% of visitors to STACK also undertook a shop for non-essential goods, 90% also visited another licensed leisure premises, and 70% dined at another restaurant during their visit to Newcastle City Centre. Therefore, it is considered that the proposed development would create a new destination within a prominent city centre location which would increase footfall thereby improving the vitality and viability of the town centre.

74. The applicant will directly employ approximately 185 people, split as approximately 110 full-time employees and 75 part-time. In addition, the tenants that will operate from the Site will employ approximately 40 employees split as approximately 16 full-time positions and 24 part-time. Accordingly, approximately 225 people will be employed as a result of operations at the Site, which is a significant positive in terms of securing economic growth in a sustainable location.
75. The Annual Survey of Hours and Earnings: 2021 forecasts that the average weekly pay in the food services industry is £439 per week. The applicant estimates that there will be 176 full-time equivalent employees at the proposed operation. This level of employment generates a forecast of circa £4m in annual wage earnings, which will deliver wider economic benefits to the local economy through enhanced spending power and disposable income.
76. Taking account of all of the above, the Framework, CDP and DCNP support the development of main town centre uses commensurate with the role of a particular centre, and which strengthen the role of existing centres. This proposal will introduce main town centre uses into an existing building within the city centre which is currently under occupied. Durham City has many vacant premises (vacancy rates stands at 14.3%), so proposals which help to secure the long-term occupancy of a building and mitigate the vacancy rate from increasing will be supported in principle. There are also many vacant units surrounding the application site on Silver Street where retail proposals could be sited, and it is considered on this basis that the scheme is unlikely to have an adverse impact on the vitality and viability of the city centre, and in many ways will help to protect and promote it. In summary the principle of the development is considered acceptable against the relevant parts of the Framework, CDP Policy 9 and DCNP Policies E3 and E4.

Highways Safety and Access

77. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
78. The application site is located in a highly sustainable location in the centre of Durham City, just a short walk from the bus station and 7-minute walk to the train station. Public buses are available in the Market Place adjacent to the site. The site is in a well-established commercial area with good links for pedestrians and cyclists to access the site. Given the location within the existing commercial area, servicing times are already controlled by a Traffic Regulation Order with set times when servicing can take place via Silver Street. This development would also have to service within those controlled times. It is not considered that the servicing of the proposed operation would be significantly different to a full retail use and subject to adherence to the existing traffic restrictions and servicing times, to be controlled via condition, the proposal is considered to be acceptable in this regard.
79. The application is supported by an Outline Construction Management Plan which clearly identifies the constraints the successful contractor will be required to adhere to for the safe construction operations and working/delivery times. It is recommended a

condition is imposed to secure the submission of a final Construction Management Plan prior to the commencement of works.

80. Overall, the site represents a highly sustainable location, and the proposals are not considered to adversely affect highway or pedestrian safety, according with CDP Policy 21 and 29 and Part 9 of the NPPF.

Design and Heritage Impact

81. NPPF Paragraph 197 advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
82. NPPF Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
83. In addition, NPPF Paragraph 206 advises that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
84. The approach of CDP Policy 44 is consistent with the NPPF in this respect in that it requires new development to contribute positively to the built and historic environment and seek opportunities to enhance, and where appropriate, better reveal the significance and understanding of heritage assets. The policy also sets out that development which leads to less than substantial harm to a designated heritage asset is required to be weighed against the public benefits of the proposal.
85. The aforementioned policies and guidance require the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and setting of Listed Buildings and this is in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
86. Policy 45 provides additional specific guidance in relation to development which may impact upon Durham Castle and the Cathedral World Heritage Site. Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exception circumstances.
87. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to

the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

88. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
89. The Durham City Neighbourhood Plan is also relevant when considering design and heritage impact. Policy H1 Protection and Enhancement of the World Heritage Site requires development proposals within the Neighbourhood to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views. its Outstanding Universal Value and to support the current adopted management plan. Policy H2 The Conservation Areas expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
90. The site is Nos 4-6 Silver Street, in Durham City Centre, it is located at the north-eastern end of Silver Street and comprises a three-storey flat roofed building. The site is located in the historic core of Durham City Centre Conservation Area but is not a listed building or a non-designated heritage asset. The site is also located to the north of Durham World Heritage Site. The wider location currently provides shopping and leisure experiences with public pedestrian walkways linking the site to other parts of the City Centre including Moatside Lane, a historic remnant of the city plan form. The site is surrounded by other commercial, community and civic uses and is in proximity to existing residential and student accommodation. The floorspace was previously occupied by Marks and Spencer and more recently M&Co, currently, part of the ground floor of the site is operated by Yorkshire Trading Co. The upper floors remain unoccupied.
91. The submitted heritage statement identifies the role the site plays in the surrounding conservation area, identifies the relationship to the WHS and other designated assets around the site. The building is not listed nor is it identified as a non-designated heritage asset. The significance, values and attributes of the building have previously been identified as follows:

The existing building is of low historic and architectural interest being part of a C20 redevelopment of No's 1-8 Silver Street. Historically the site comprised of four separate buildings onto Silver Street that were typical of the historic layout of the city, as shown on the 1st edition OS map c.1860. Substantial changes appear c.1939 with a large block on the west side, this was then extended in c.1959, then in c.1977 a

further extension was added to the rear. This redevelopment (M&S and Tesco) obliterated the historic burgage plot pattern in this area, introducing larger modern blocks in horizontal form that conflict with the fragmented vertically expressed built form that characterises the historic core of the city. The elevation of the building to Silver Street is of a plain but ordered neo-Georgian style with elements of detailing and uses a parapet to manage its height and give a polite finish at roof level. The ground floor is in stark contrast to the upper floors as it consists of a low-quality modern shop frontage.

92. In terms of significance the sites historic interest is low, and it possesses no evidential or communal/social values. Despite the buildings C20 age the front elevations upper floors have some degree of aesthetic/design value in the context of the street scene. Overall, it does not have historic or architectural interest to be a non-designated heritage asset and on that basis the frontage at ground floor level has capacity for appropriate change.

93. There are a limited number of external design and material issues to be considered as part of this application, they are detailed below:

- New P.P.C cladding to all columns on support structure on the frontage
- New P.P.C flat fascia above window areas at ground floor level which will host the signage that will be subject to a separate application
- New P.P.C double glazed shopfront screens & doors on the building frontage
- New recessed opening with P.P.C steel security doorset with over panel on right hand side of the building frontage
- Existing brickwork plinths to be painted
- Vertical feature cladding fixed to new insulated masonry cavity wall in recessed entrance to the right of the centre of the building frontage that provides access points into the two lobby areas
- Vertical feature cladding fixed to wall in existing recessed entrance on the left hand side of the building frontage
- New P.P.C steel security doorsets

94. As highlighted above the assessment of significance identifies the ground floor frontage as of low quality, having capacity for appropriate change. The most challenging element of the proposals submitted relates to the scale of the lettering, however, this will be subject to further applications and as such the matters being considered here relate to the revised form of the frontage and the use of new materials and finishes. The proposal seeks to strike a balance between the corporate identity of the applicant and the capacity of the surrounding conservation area to accommodate a modern contemporary industrially influenced design. The proposal seeks to work with the established form of the building, using the already deep fascia, painting the stallriser rather than changing it and seeking to recess the more visually striking elements so that they are not prominent in oblique views when passing up and down Silver Street and looking from the Market Place. There is no doubt that the frontage proposals will have a visual impact, however, as a landmark destination, striking features are well established as a means of presenting developments in the streetscene throughout the conservation area including Prince Bishops, River Walk and other leisure venues adjacent to Elvet and Framwellgate Bridges. Whilst the proposal is ambitious it is considered that subject to careful control of delivery it can be integrated without harm to the surrounding historic environment whilst meeting the applicant's distinct requirements.

95. There is no concern with regard to the inclusion of a roof terrace. Outside recreation areas have become increasingly part of the leisure economy of the city and given the scale and location of that proposed it is considered that this can be assimilated in to

the roofscape without harm. Views will be of a screened and attractively designed space which again may well add to the vitality of the surrounding area. The close relationship of this development to the WHS does not give rise for concern.

Impact on Significance

96. It is considered that subject to careful control of future signage proposals and control of materials, detail and finishes in regard to the frontage of the building, the significance of the surrounding conservation area and setting of adjacent heritage assets can be sustained. The alterations to the façade are not considered to impact on the WHS.
97. Whilst alterations to the Moatside Lane elevation and the roof terrace proposals may feature in views to and from the WHS it is considered that subject to careful control of external lighting by condition the impact will be neutral at worst and possibly may deliver a minor improvement if roof top plant is better controlled going forward and the area is appropriately managed.
98. Views out from the Castles North Range and North Terrace are possible across the subject roof, but this is seen as a cluttered mundane flat roof of no quality or character, that adds nothing to the visual experience of the city's roofscape out from the WHS. The experience from the North Terrace is the emphasis of the feeling of the Castles dominance over the fragmented city, an attribute of its Outstanding Universal Values (OUV), that would be unaffected. The views out from this part of the WHS are also not something regularly experienced and thus cannot be afforded the same value as other key public views looking towards the WHS.
99. The impact of additional illumination to the subject roof has been assessed previously, identifying that provided illumination is below the skyline, off-set from the Castle, and falling outside the dark cloak around the base of the WHS, there would be no expected harmful impact. Intervisibility would be restricted and the WHS is noted as already featuring within a well-lit environment with a scattering of artificial light sources in the foreground and higher backdrop of the site. Appropriate lighting forms and levels generally creating no discernible difference that would not detract from the presence, experience, and visual appeal of the WHS at night.
100. There are no identified key relationships between the application site and the WHS and views from the north terrace are restricted and unlikely to be evening views. There will be no impact on the OUV's. Whilst the submitted documentation could have better demonstrated this, the design and conservation team have reviewed this matter on a number of occasions and are confident in the conclusion reached.
101. It is advised that in order to control detail which will protect the significance of surrounding heritage assets and deliver a policy compliant form of development, conditions covering the following matters should be applied to any approval:
 - Details of all external lighting, including, design, location, specification, lighting levels and impact assessment
 - Samples of all external materials
 - Details of all surface finishes including BS or RAL standard colour
 - Full details and specifications of all external doors and windows including construction details, materials, opening mechanism, colours and finishes
 - Details, of all external plant and equipment including screening

102. The application site is located at 4-6 Silver Street, a street which is considered currently to have an adverse impact on the significance of the Durham City Conservation Area, due to current levels of occupancy, building and public realm condition issues.
103. There are two primary design and conservation issues to consider, firstly is the alteration to the Silver Street façade and secondly is the design and impact of the roof top terrace which has a direct relationship with the boundary of the Durham World Heritage Site, and as a result of lighting proposals, has the capacity to impact on this and the setting, character and appearance of other surrounding designated and non-designated heritage assets.
104. It is considered that given the signage proposals included in this application are merely indicative and will be controlled by a further application, all matters relating to the frontage can be resolved by imposition of conditions requiring samples of materials and further clarification on colour finishes. With regard to the roof-top terrace the only matter of concern relates to the lighting proposal, and it is noted from the agent's response to the Parish Council comments that the suggested condition to further consider and refine lighting proposals in due course has been discussed and agreed with the applicant.

Summary on Design and Heritage Impact

105. In conclusion, it is considered that the significance and setting of the heritage assets, designated and non-designated would be either sustained, conserved or slightly enhanced where appropriate. As such, the proposals are deemed to accord with the principles set out in Part 16 of the NPPF, CDP policies 44, 45, 16 3f) and 29, as well as Neighbourhood Plan Policies H1 and H2 and sections 66 & 72 of the Listed Building Act. This would be subject to the imposition of conditions for full details of materials for all shopfront works and lighting schemes.

Residential Amenity

106. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Policy E4 (Evening Economy) of the DCNP states that all development proposals, including those for a change of use, that would promote and/or support the early evening and night-time economy activity related to food and drink, arts and cultural uses, including later trading, will be supported provided that they contribute to the vitality and viability of the City Centre and add to, and improve, the cultural and diversity offer. Proposals should include a strategy regarding public safety and appropriate evidence that the development will have no significant adverse effect upon local amenity, including the amenity of local residents.
107. Where a proposed use is considered locationally acceptable in principle, consideration needs to be given to the impact that the development would have on the amenities of nearby residential receptors. It is important to recognise that drinking establishment and venue for live music performances and events can give rise to noise and disturbance which could have an impact on the amenity of existing and future

occupiers of adjoining properties and other properties in the immediate area, principally those in residential use. Uses such as restaurants, public houses, music venues and takeaways may detrimentally affect the locality of an area, through disturbance caused at times when residents want to enjoy peace and quiet. At these times, nuisance may be caused by the business itself (e.g., noise from the venue) and also from customers/patrons congregating outside. These considerations also need to be examined in the context of CDP Policy 31 above.

108. Whilst the application building has no directly attached residential neighbours, there are approved upper floor residential uses in close proximity to the site. Notably 7-8 Silver Street (next door but separated by Moatside Lane), 9 and 9A Silver Street, 12 Silver Street, 37-38 Silver Street, 33 Silver Street, 29-31 Silver Street and at the rear of the site Castle View and Moorside Mews accessed via Saddler Lane.
109. In terms of the proposal, consideration has been given to the potential impact on nearby residential properties from noise from music, noise from patrons, impacts from odour from cooking and impact from lighting. A Noise Impact Assessment is supplied with the application which assesses the noise impacts of the proposal on potential sensitive receptors. In summary it concludes the proposed venue can comply with a Noise Rating curve of NR20 as stipulated in BS8233:2014 Guidance on Sound Insulation and Noise Reduction in Buildings.

Noise

110. Specialist officers with Environmental Health consider that first and foremost noise from music and patrons can be contained within the fabric of the building, but would have concerns about the roof top seating area especially during late evening and morning hours. Their opinion that such impacts would be at an acceptable level is contingent on the following planning conditions being imposed:
- Noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall not be audible beyond the boundary of the premises to cause nuisance to nearby residents.
 - There will be a noise management plan in place on the premises which should include regular noise monitoring during times when regulated entertainment is taking place.
 - The premise shall not become operational until the noise management plan has been submitted to and approved by Environmental Health. This should be based on compliance with NR20 as stipulated in the noise report. We would suggest a verification assessment is undertaken to ensure the stipulated NR20 can be complied with and is achievable at the nearest noise sensitive receptor.
111. In terms of the external roof terrace, it is acknowledged that potential for noise breakout is more likely in this open area. On that basis, officers of Environmental Health require a tighter restriction on operating hours as follows:
- No regulated entertainment in the form of live or recorded music will be permitted in the outside seating area after 23.00 hours.
112. It is considered subject to the restrictive conditions detailed above, sufficient control will be in place to mitigate the potential of a statutory nuisance and to protect the amenity of nearby residential units from noise disturbance.

Odour

113. In terms of odour an Odour Pollution Statement has been submitted, which states each food unit will be provided with a dedicated air extraction unit and electrostatic precipitator. A basic description of the precipitator has been provide but a condition is proposed which requires details of the precipitators to be clarified, which should include a detailed schematic diagram of the extraction systems. Subject to the imposition of such a condition there is no reason to suggest any adverse impact from odour will occur.

Lighting

114. A Lighting Impact Assessment has been submitted which has been scrutinised. Whilst no fundamental issues are raised with its findings, a condition is proposed which requires:

- Further details are required on the proposed external lighting for the site. Due to the proximity of the neighbouring premises light from the use could impact on residents/locality of the nearby properties. Therefore, a lighting spillage plan should be submitted with the application to show the predicted lighting levels at the nearest properties and locality.

Subject to the imposition of such a condition there is no reason to suggest any adverse impact from lighting will occur.

115. In terms of disturbance and antisocial behaviour, the police raise no objections to the scheme but highlight the need for coordinated and managed delivery and servicing arrangements. These are considered in the Highways section of the report and are capable of being controlled via planning condition. It should be noted that the site has been considered and approved via the licensing regime which is better suited to address such issues.
116. Overall, subject to conditions, the proposals are not considered to adversely affect residential amenity or living conditions, in accordance with CDP Policy 31 and Parts 12 and 15 of the NPPF.

Ecology

117. Policies 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
118. A Preliminary Roost Assessment Report was carried out by the applicants which concluded the site had negligible potential for nesting birds and low potential for roosting bats. Similarly, a Preliminary Ecological Appraisal (PEA) of the site was undertaken in September 2022 which informed the submitted Biodiversity Net Gain Assessment. It concluded that the nature of the site was developed land with sealed surfaces. The development would remove 23 sqm of sealed surfaces. In summary there would be no loss of habitat. The proposals do include a small amount (23 sqm) of ornamental planting on the roof terrace. This is acknowledged to be a very minor net gain in biodiversity terms. On that basis the proposal can be demonstrated to accord with the above policies and guidance.

Sustainability

119. Policy 29 of the CDP requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Policy 29 also requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
120. It is acknowledged that the proposal will be delivered through the re-purposing of an existing building in a highly sustainable and accessible city centre location. This will minimise the impacts of the development on the environment through ensuring that embodied carbon within the building would be maintained. It is however considered reasonable to further explore the potential for on-site renewables and low energy technologies and to that end a suitable condition has been suggested to allow such strategies to be developed by the applicant.
121. Subject to the suggested condition, the proposals are considered to accord with the sustainability aims of CDP Policy 29.

Other Considerations

122. The proposal has generated some public interest, with 35 representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
123. The issue of unfair competition to other local food and drink businesses was raised in some of the public representations. This is not a material planning consideration.
124. The issue of unsafe fire evacuation routes has also been raised. Consultation was carried out with the Fire Brigade, but no comments were received. The premises will need to operate in line with its own fire safety certificate secured outside of the Planning System and it is understood this is in place.

CONCLUSION

125. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
126. In summary, the application site lies within the primary shopping area of the city centre and would see the introduction of a mixed town centre use development ran by an established regional operator that would bring an under used building back into full use. The city centre currently has an above average level of vacant units, and this proposal would enhance its vitality and viability in line with the aims of the City of Durham Neighbourhood Plan. The developed is anticipated to lead to the creation of 176 full time equivalent jobs for local people and this is a significant benefit in line with CDP Policy 9.

127. It is considered that the significance and setting of the heritage assets, designated and non-designated would be either sustained, conserved or slightly enhanced where appropriate. As such, the proposals are deemed to accord with the principles set out in Part 16 of the NPPF, CDP policies 44, 45, 16 3f) and 29, as well as Neighbourhood Plan Policies H1 and H2 and sections 66 & 72 of the Listed Building Act.
128. Subject to conditions to secure acoustic and a range of other mitigation measures to safeguard the amenity of the occupants of nearby residential properties, the development would accord with CDP Policy 31.
129. Overall, it is considered that the scheme would comply with the relevant parts of the Framework and the Development Plan. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

That the application be **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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 29 and 44 of the County Durham Plan and Parts 2, 12 and 16 of the National Planning Policy Framework.

3. No development shall commence 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:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).

7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. Notwithstanding any details of materials submitted with the application no external development shall commence until details of the make, colour and texture of all shopfront materials, doors and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. The development shall not be brought into use until a Noise Management Plan based on compliance with NR20 in residential dwellings after 23:00 as stipulated in the submitted noise report has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to address the noise insulation of walls, floors, windows and roofs between the premises and adjacent properties. The development shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 8 of the National Planning Policy

Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

6. The development shall not be brought into use until details of the proposed electrostatic precipitators have been submitted to and approved in writing by the Local Planning Authority. The details should include a schematic diagram of the extraction system. The development shall be carried out in accordance with the approved details and shall be permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 8 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

7. The development shall not be brought into use until details of the proposed external mechanical plant and screens have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants and nearby heritage assets in accordance with Policies 29, 31, 39, 44 and 45 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

8. The development shall not be brought into use until details of the external lighting of the building, including the roof terrace, have been submitted to and approved in writing by the Local Planning Authority. The details should include a lighting spillage plan showing the predicted lighting levels at surrounding properties. The development shall be carried out in accordance with the approved details and shall be permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants and nearby heritage assets in accordance with Policies 29, 31, 39, 44 and 45 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

9. The development hereby approved shall at all times be carried out in accordance with the submitted Service/Deliveries Management Plan.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 8, 9 and 12 of the National Planning Policy Framework.

10. The development hereby permitted shall at all times be operated in accordance with the control measures as defined in the submitted Odour Pollution Statement.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 8 of the National Planning Policy Framework.

11. No regulated entertainment in the form of live or recorded music will be permitted in the outside seating area after 23.00 hours.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 8 of the National Planning Policy Framework.

12. The premises shall not be open to customers outside the hours of 08:00 and 00:30 Monday - Thursday and 08:00 - 01:30 Friday - Sunday.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. Prior to the first beneficial occupation of the development, details of a scheme to minimise greenhouse gas emissions shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall aim to include, but not be limited to, provision of renewable energy generation, low energy lighting, and energy efficient plant. Thereafter, the renewable and low carbon energy measures shall be installed in accordance with the approved details and retained for the lifetime of the development.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c) of the CDP.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

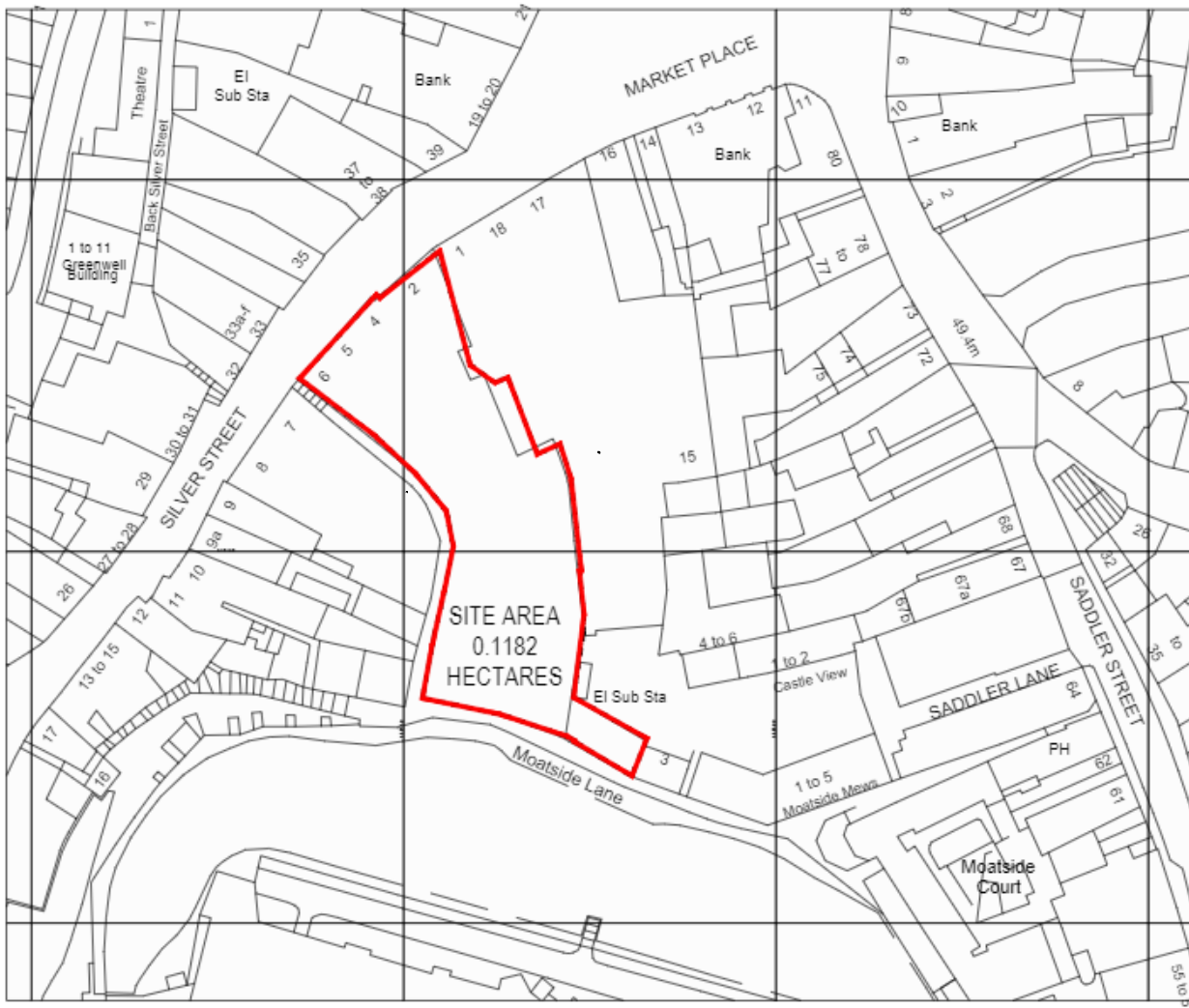
County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2023)



Planning Services

Change Of Use from Class E 'Commercial, Business and Services' to a mixed-use comprising uses within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities.

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Date 11th April 2023

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03322/OUT
FULL APPLICATION DESCRIPTION:	Demolition of existing house and rear storage buildings and erection of 41 no. 1 and 2 storey dwellings, with details of proposed access off Seaside Lane and associated parking and landscaping (amended title)
NAME OF APPLICANT:	Mr Alan Snowdon, Snowdon Coaches
ADDRESS:	Snowdons, Seaside Lane, Easington Village, Peterlee, SR8 3TW
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Jennifer Jennings Senior Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers an area of approximately 1.8 hectares and lies to the north of Seaside Lane at the settlement edge of Easington village. The south western part of the site is presently in use as a coach business, with the remainder of the site an open field in agricultural use. The coach business still operates on site and consists of a single building central to the southern part of the site with a garage section for repairs, storage area and an office building, which is surrounded by a large hardstanding area for coach parking. The dwelling for demolition sits at the entrance to the site fronting Seaside Lane.
2. The site is located behind a line of residential houses and a health club business that front Seaside Lane, the main east west thoroughfare through the village. To the west is an open field, beyond which lies the B1432, Sunderland Road leading to Hawthorn. To the north of the site is an allotment site. To the east lies a new development, still under construction at the time of writing for 96 dwellings. To the south lies a line of detached dwellings with large rear gardens.
3. The site is not subject to any landscape or heritage designations, the Easington Conservation Area located 70 metres to the south west at the nearest point. A small group of trees along the central part of the south boundary has recently been protected under a Tree Preservation Order (TPO). The site is located 2.5 km from the Durham Heritage Coastline, which also contains internationally designated sites for nature conservation. The land is relatively flat, with a gentle slope in south west / north east direction.

The Proposal

4. The application seeks outline planning permission with all matters other than access reserved for future consideration for the demolition of an existing house and the rear storage buildings associated with the coach business and erection of 41 dwellings, along with a proposed access off Seaside Lane and associated parking and landscaping incorporating a SUDS basin. The proposals were originally for 48 dwellings but following amendments to the scheme, the number of dwellings was reduced to 41. The coach business would cease operations on site and it is understood that it would relocate elsewhere.
5. Indicatively the development would consist of 4 bungalows, with remaining properties two storeys and a mix of 2/3/4 bed dwellings. Parking bays would exist to the front and side of each property with additional visitor parking provided throughout the site. Each property would have a rear garden space with allocated bin storage. A proposed green open space area would be located to the south of the site centred around the TPO area, and along the eastern boundary, whilst the SUDS area would be to the north east of the site
6. The application has been brought to the Planning Committee for consideration in accordance with the Council's Scheme of Delegation due to being a major development.

PLANNING HISTORY

7. There is no planning history relating to the application site.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). 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 219 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.
10. *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.

11. *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.
12. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.

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

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

22. *Policy 6 – Development on Unallocated Sites.* Supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
23. *Policy 10 - Development in the Countryside.* States that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
24. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
25. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking

account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

26. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
27. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
28. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
29. *Policy 27 – Utilities, Telecommunications and Other Broadband Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
30. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
31. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
32. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to

the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

33. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SUDS and aims to protect the quality of water.
34. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
35. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
36. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
37. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
38. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
39. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

40. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

41. There is no adopted Neighbourhood Plan in force in this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Easington Parish Council* - objects on the basis that there would be direct conflict with policy 6(e) in relation to impact on highways safety. The access/egress from the proposed site is onto an already busy road (Seaside Lane). It's close proximity to the junction of Seaside Lane and Thorpe Road would further exacerbate the current traffic problems and further intensify the safety of both road users and pedestrians. The existing road network was not designed for the capacity that it is already experiencing and another housing development would create further demands on the village's highway infrastructure which has altered very little since the late 1800s. Further note that the continued development has caused substantial increased usage of the drainage system resulting in a sewer burst which closed the road for 3 weeks.
43. The Parish Council further highlight Policy 29 (a) of the DCP. It is their opinion that this proposed development would further contribute to the loss of the character of Easington Village, its identity and historic background. The continued development of previously open spaces in and around the Village have resulted in a disproportionate amount of built properties in Easington Village which is detracting from the unique identity and heritage significance of the Village. It follows that additional development on this scale will have a detrimental impact on the sight-lines and landscape quality of the Village while diminishing its distinctive appearance and natural environment. The proposals would also have a negative impact on allotment holders and their plots and impact on healthy lifestyles.
44. Given the comments detailed above Easington Village Parish Council believes the proposed development of the site would have a significant and detrimental impact on the infrastructure and the physical, heritage and environmental qualities of the Village and would also have an unacceptable effect on the social amenities currently enjoyed by its residents, diminishing the opportunities for health and well-being stability and improvement. Members would therefore strongly urge planning officers and members of the planning committee to reject the application on the material planning considerations they have set out in their response.
45. *Highway Authority* – Raises no objection. Conditions are requested in relation to the submission of a construction management plan and details on the relocation of the bus stop.
46. *Local Lead Flood Authority* - Raises no objection, advising that the proposal complied with national standards and Council policies in providing a sustainable water management solution. Condition required to ensure works undertaken in accordance with latest drainage strategy.

INTERNAL CONSULTEE RESPONSES:

47. *Affordable Housing* – in line with policy 15, the proposals relate to a site for 41 dwellings and further details on tenure type proposed, with details on demand for affordable housing types to be provided to ensure appropriate provision of affordable housing is secured via Section 106 agreement.
48. *Archaeology* – Following results received in relation to the geophysical survey and trial trenching, no further archaeological works are required. No objections raised.
49. *Design and Conservation* – Advice provided during Design Review process with amendments requested. No objections based on outline information provided.
50. *Ecology* – No objections raised. The Biodiversity Net Gain (BNG) report confirms a net loss of -2.97 habitat units. To compensate a contribution for off-site habitat gains to the sum of £15,741 would be required secured through a Section 106 agreement. Payments towards HRA nature conservation sites are also required to be secured through a Section 106 agreement.
51. *Environment, Health and Consumer Protection (Pollution Control)* – No objections subject to a condition for a construction management plan.
52. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the submitted reports are acceptable. A pre commencement planning condition would be required for further reports to be submitted followed by a post development verification report.
53. *Landscape Officer* – Advice provided as part of Design Review process with amendments requested. At outline stage no further comments, but full landscape details will be expected as part of a reserved matter application.
54. *Local Education Authority* – In assessing the proposed development against capacity within existing schools, it was confirmed that no contribution would be required in relation to primary or secondary schools.
55. *Public Rights of Way* – There are no PRoW concerns with regards to the development.
56. *Spatial Policy* – Advise that the site should be assessed against Policies 6 and 10 of the County Durham Plan. They further comment that for the proposal to be acceptable the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be within acceptable parameters. They note requirements in relation to Affordable Housing and Open Space in the form of a financial contribution.
57. *Trees Officer* – Trees have been assessed within the site and those identified as worthy of retention have been protected by means of a Tree Protection Order. Further details to be provided at reserved matters stage in terms of tree protection.

EXTERNAL CONSULTEE RESPONSES:

58. *Police Architectural Liaison Officer* – Provision of range of advice on layout of development and design of buildings and fencing to prevent potential issues with crime and anti social behaviour.

59. *NHS* – Requires funding to the sum of £23,184 to be secured through a Section 106 agreement to create extra capacity for provision of patient services in the area.
60. *Northumbrian Water Ltd* – No objections to the proposals but require the inclusion of a condition for further details to be submitted.

PUBLIC RESPONSES:

61. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
62. 15 letters of objection received, including one from the MP for the Constituency, and one letter of representation making the following comments:
 - Request that appropriate care is given to protection of trees and hedges to be retained.
 - Concern over the cumulative impact of the amount of building and development in the area impacting on the quality of people's lives. Lots of works being undertaken in the last 7 years.
 - Concerns over impact of the continuous development of properties on the services in the area, including schools, GPs roads and drains as these are at capacity.
 - Concerns that the village and its infrastructure cannot sustain any further development. No indication of appropriate infrastructure improvements being made to address the extent of new development taking place
 - Note that with amount of development already taking place, construction works are having a detrimental impact on existing residents
 - Concerns over the impacts to biodiversity and wildlife in the area
 - Welcome the creation of a SUDS and proposed planting renewal.
 - Concerns over the relocation of the bus stop as this will impact on properties in the new location, through reducing their visibility. It also means the bus stop will be too close to the next one down the street.
 - Problems over drainage with previous examples of main drains failing and causing considerable damage to the road. Concerns that the application underplays this
 - Impacts of more housing on traffic in the area and issues of highway safety raises significant concerns and consider the transport assessment is not adequate. Consider 30mph limit frequently ignored. Evidence of accidents and near misses in the area and no traffic calming measures in place.
 - Note that the road infrastructure has not changed in many years and is not adequate to deal with level of development in the area. In addition the new access road is situated near to a very busy junctions and visibility is expected to be impeded through existing and future on street parking.
 - Concerns that the development is impacting on the historic village and destroying its character. The number of new houses in the area is disproportionate to the size of the village. The village is slowly turning into a town.
 - Consider that development should not be taking place on green field sites, when there are brownfield sites in the wider area which would be to the benefit of residents in those areas through regeneration. Wish to see reasons why brownfield land not being used
 - Objections raised to any removal of trees or hedges
 - Note that other residents have sought to extend their gardens but have been told it would not be supported due to encroachment in the countryside, yet the current proposals are a significant encroachment
 - Impacts of increased traffic, noise and pollution during construction work is of significant concern

- Insufficient amenities with only two small convenience stores that could not support an additional 48 dwellings and will only result in further travel outside the village.
- Query whether there is a genuine housing demand
- Urge application be refused due to previous applications for some 700 units to date which is having cumulative impact on infrastructure and services in the area.
- Not enough access routes in and out of the village
- Consider that traffic has increased substantially in the area. No longer safe to walk along the pathways, especially with young children going to nursery or school
- Highlight details of the signed petition at www.change.org titled "Stop Building New Housing in Easington Village"
- Concerns over loss of privacy and overlooking for houses along Seaside Lane
- Concerns over Council's strategy, or lack of, for the area given extent of building with no investment in infrastructure and no incentive to develop brownfield sites in the area

63. Comments from the MP state:

- Disappointment that greenfield space being developed, when ample brownfield sites available that would bring much needed regeneration.
- The retention of green spaces is vital for villages in the area
- No capacity in the sewerage system network, which has been highlighted in recent months with flooding causing damage to existing buildings and roads.
- Transport links to Easington Village are substandard with poor reliability and cancellations noted. The Train service is also deemed inadequate and not fit for purpose.

64. A petition was also submitted in objection to new housing development in the village. This contained 381 signatories, largely from Easington area but including Peterlee, Seaham. Other addresses include Durham, Newcastle, Sunderland, Middlesbrough as well as more distant locations including London, Birmingham, Glasgow and Kilmarnock

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>

APPLICANTS STATEMENT:

65. We are pleased to present this application to committee which seeks to obtain outline permission for the development of 41 dwellings in Easington Village. The outline proposal has been developed with the input of various consultants and discussion with the local planning authority to create a sustainable and attractive development which accords with planning policy. The development will secure biodiversity improvements in the local area through retaining existing habitats and providing new landscaping features on site, and through contributions to local nature reserves as part of the S106 agreement. In line with Durham's Open Space Needs Assessment, the development includes a large amount of amenity public open space set around existing trees and landscaping, for the benefit and use of both new residents and the wider village. The development also incorporates sustainable drainage features which ensure that the scheme does not have any adverse impact in terms of flood risk. Concerns relating to highways safety have been addressed in discussion with LPA highways consultees, and we offer a voluntary contribution - commensurate to that of the adjacent development - to safety improvements along Seaside Lane.
66. In summary, we believe that approval of the outline proposal will allow for high-quality, sustainable development of a vacant site which is in keeping with the scale and character of Easington Village. With permission, we intend to sell the application site

to a developer in conjunction with a registered social housing provider in order to meet the need for affordable housing in the Easington area for local people.

PLANNING CONSIDERATIONS AND ASSESSMENT

67. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The tilted balance in paragraph 11(d) of the framework is not engaged.
68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area and landscape, impact on residential amenity, highway safety and access, ecology, archaeology, developer contributions and other issues.

The Principle of the Development

69. Within the CDP the application site is treated as a windfall proposal as it is not allocated for housing within Policy 4. Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) would both be relevant to assessing the proposal. This is in recognition of the definition of the built-up area within the CDP and that sites outside of, but well related to a settlement should be assessed against both policies. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, and new housing in the countryside is only permissible where the development accords with Policy 6. This Policy states that *the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies.* To clarify the policy, para. 4.110 of the CDP states that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
70. The application site is located to the north of the settlement of Easington, partly on brownfield land (0.5ha) with the remainder of the site on agricultural land (1.3ha). The site is well related to the settlement, directly abutting the rear boundaries of long-established properties that front Seaside Lane. To the east, a new development of 96 dwellings is under construction and close to completion. The proposed development would extend no further north than the most northern extent of the adjacent development site, which also follows the north settlement boundary line of the village as noted along Petwell Crescent extending as far eastwards as Holm Hill Gardens. The development of the site therefore reads as a logical infill extension at this part of the settlement. In particular, in this location, the dwellings would be close to nearest schools, services and public transport links. In this regard the proposed development of the site for housing would be deemed to relate well to the built form and settlement pattern at this part of Easington in physical and visual terms. A detailed assessment of the proposals against the criteria of policy 6 is therefore required.

71. Policy 6 requires that development on unallocated sites must meet the following criteria:

a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

Residential use of this site would be compatible with surrounding uses, particularly the established residential uses to the south and proposed site to the east. There are no concerns that the proposed dwellings would be prejudicial to the allotment site to the north.

b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;

The site is well contained, surrounded to its south and east by built development. It would not extend beyond the northern extent of development within the settlement, particularly where an established plot for allotment gardens abuts the boundary at this point. On this basis it is not considered that the site could be deemed ribbon development and with the next nearest settlement of Hawthorn in excess of 1.5 km away there is no concern that the proposal would contribute to coalescence with the neighbouring settlement.

The proposals are not considered to conflict with the requirements of part b) of this policy.

c) Development does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigate or compensated for.

The application site does not fall within any designations for landscape or ecology value and is not within a conservation area of heritage value. The southern part of the site, currently in use as a coach depot business, is a brownfield site, which was subject to consideration as part of the Strategic Housing Land Availability Assessment (SHLAA) where it scored green for potential to redevelop the site for housing. The remainder of the site remains as an open agricultural field and there are limited views of the site from the main roads within the village, due to existing built development and well established field boundary planting. Given the above and the fact that the site is private land with no public access across it, its contribution to the visual and recreational character of the locality is limited, but it is acknowledged that it does provide a rural backdrop and buffer between the allotments and the village.

The proposals would seek to retain the established hedge planting around the boundaries, whilst also creating a new SUDS and planted area along the north boundary adjacent to the allotment site. In this regard, the indicative planting masterplan would be considered to suitably demonstrate that the loss of this land to development could be adequately mitigated by means of retention of existing planting along with further planting throughout the site. The final details of this would be secured as part of the reserved matters application.

d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

e) Development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

f) Development has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.

Easington, along with adjoining Easington Colliery, is a relatively large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre. Measured from the central point of the proposed development, the nearest primary schools are Easington C of E Primary School to the west and Easington Colliery Primary to the west, with Easington Academy Secondary school to the south, all no more than approximately 700 metres away. Nearest bus stops are located approximately 100 metres away at Seaside Lane and around 340 metres away at the Village Green, providing multiple services connecting Peterlee, Durham and Sunderland (route numbers 22 and 208, noted as half hourly services during weekdays). Based on this analysis, it is considered that the proposed development would be well related to the settlement which can provide ready access to a range of services. It is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence. In addition, the 41 dwellings proposed would be considered to be of a scale commensurate with the role and function of the settlement and level of services therein.

g) Development does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

The development would not result in the loss of any valued facilities or services. As such there is no conflict with this criteria of the policy.

h) Development minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

The site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area, although an area of land 250m to the north east and east of the site, is marked as being at high risk of flooding. The application was submitted with full drainage details which have been assessed by the LLFA and NWL and deemed acceptable. There is no conflict with this part of the policy, but further consideration is provided below.

i) where relevant, development makes as much use as possible of previously developed (brownfield) land; and

j) where appropriate, it reflects priorities for urban regeneration.

A significant number of objections raised concern at the loss of a green field site, commenting that development should be located on brownfield sites, of which there are plenty within the wider area, particularly Easington Colliery. However, although some of the development site is brownfield land, the majority of it is not, but the policy does not provide a moratorium against development upon any greenfield site. As already noted, the inclusion of the area of greenfield land within the application site provides a logical conclusion to the extent of the redevelopment, continuing the northern extent of the pattern of built form set to the east and is considered compliant with part of the policy. As such any refusal based on the fact that the site does not fully relate to previously

developed land could not be sustained noting that the development is acceptable in all other respects.

72. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

Impact on the Character and Appearance of the Area

73. Policy 6d) requires that development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.
74. The application is presented as outline, with an indicative site plan showing layout of housing on site along with areas of open space. Significant discussion took place as part of the Design Review process in line with policy 29n) of the CDP. This part of the policy seeks to assess the proposals against Building for Life principles, securing as many green scores as possible, whilst minimising the number of ambers. Schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons. The original Design Review process saw the scheme score two reds, two ambers and two greens. Further discussions took place and were aimed at improving the layout and arrangement of development on site, whilst also providing suitable connectivity with the wider settlement. Amendments to the layout have now been provided that have addressed the issues raised, including reduction in number of dwellings on site from 48 to 41 and improved layout to remove the dominance of car parking throughout the site, whilst allowing better planting opportunities and drainage.
75. In consideration of this, it is determined that the proposals as indicated on the site plan are an appropriate quantum of development, of a density that can be suitably accommodated on site in line with the Building for Life design principles. The issues resulting in the red scores are therefore addressed and the proposals accord with this part of policy 29 of the CDP.
76. It is noted the Parish Council reference conflict with policy 29 part a) of the CDP, which states that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
77. As noted within paragraph 69 above, officers' assessment of the proposals indicate that it is well related to the form and function of the existing settlement, surrounded on two sides by residential development with ready connections to the main body of the settlement. The proposals at this outline stage have been carefully considered to ensure an appropriate density of housing would be contained within the site, whilst allowing for retention of important trees and boundary hedgerows and areas of open space. Visual connections to the open countryside beyond are also considered to be suitably addressed by means of retained planting and future landscaping to be submitted as a reserved matter. The proposals would see the introduction of one and two storeys dwellings in keeping with the wider townscape at this part of Easington. The qualities and character of the Conservation Area would not be impacted by the proposals given there would be no intervisibility between the development site and the historic core of the village. The wording of policy 29a requires that developments contribute positively to the area's character, identity etc, and it is considered that the proposals as presented

would meet this test, subject to further details to be submitted as part of the reserved matters stage.

78. Based on the indicative site plan submitted in support of the proposals, it is considered that they are appropriate in their scale, design and layout and would be reflective of the form and function as well as the townscape character of the existing settlement in accordance with policy 6c) and d) and policy 29 of the CDP. Final details would be agreed as part of any future Reserved Matters application.

Landscape and Trees

79. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
80. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting.
81. As already stated, a group of trees to the south of the site are now subject to a TPO in order to ensure their retention as part of any future reserved matters application. A condition would be applied to ensure suitable reports are submitted to demonstrate trees will be appropriately protected as required during the construction phase.
82. A landscape masterplan was submitted in support of the scheme which indicated the retention of hedgerows around the boundaries along with new tree planting throughout the site. As already highlighted above, the proposed density, layout and massing of development would not be harmful to the countryside beyond, particularly as the development would be suitably well related to existing built development. Overall, there are no objections to the scheme as presented and the planting proposals would ensure suitable mitigation, but final details would be secured as part of a future reserved matters application.
83. In consideration of the above and subject to further details, the proposals are considered to accord with relevant parts of policy 6, 29, 39 and 40 of the CDP.

Impacts on Residential Amenity of Existing and Future Occupiers

84. Policies 29 and 31 of the CDP outline that development should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council along with the requirements for all new residential development to comply with Nationally Described Space Standards (NDSS).
85. The nearest residents to the proposed development would be occupiers along Seaside Lane to the south. These properties benefit from long gardens over 21 metres in length, apart from Leeholme which measures 19 metres. However, each of these properties would either overlook the public open space proposed at this end of the site where TPO trees are located or the gable end elevation of bungalows. Similarly, facing distances with new properties currently being constructed to the east are well in excess of 21 metres from proposed nearest properties as indicated on the proposed site plan. On

this basis, distance standards are more than met and there is no concern that these properties would be negatively impacted through loss of privacy or overlooking.

86. No detail has been provided on individual dwellings to assess against NDSS and M4(2) standards as required by CDP policies 29 and 15 respectively although this would be considered as part of the reserved matters application.
87. Concern was raised by nearby residents with regards the impact of noise and disturbance from construction works taking place. These concerns are noted, and any permission granted would require a pre-commencement condition for a detailed Construction Management Plan to be submitted as requested by The Council's Environmental Health Section. A condition would also be applied limiting hours of working to further protect amenities of existing residents.
88. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring and future occupiers in line with policies 29 and 31 of the CDP and Part 12 of the NPPF.

Green Infrastructure

89. Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
90. In accordance with the policy, it is determined that the development should provide 1452sqm of amenity/natural green space on site, alongside a financial contribution of £69, 260.40 towards off site facilities including allotments, parks and sports grounds etc. The open amenity space annotated on the proposed site plan is noted as providing approximately 1474 sqm of open space within the development, which is in excess of requirements set out in the OSNA.
91. Also included within the scheme are footways that allow permeability through the site with connections to the neighbouring site to the east.
92. Subject to the section 106 payments as highlighted in the Developer Contributions section below, the proposals are considered to accord with the requirements set out in policy 26.

Sustainable Design

93. Policy 29 requires that developments c. minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source; and d. minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
94. As an outline application, no details were provided in relation to specific sustainable design measures for the site or each individual dwelling. A condition is proposed to be applied to secure this information to ensure adherence to this policy.

Highways Safety and Access

95. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
96. The proposals would see the provision of 41 dwellings at the north edge of the settlement with the access point taken off Seaside Lane, east of the property Thorpe Lea. This access point already operates as the main access to the coach depot, but the proposals would see amendments to this to ensure improved visibility leading out onto Seaside Lane. Each dwelling would benefit from in curtilage parking to the front or side of the dwelling, with visitor car parking provided throughout the site.
97. Significant objection has been raised from the Parish Council and residents with regards the impact of the development on the existing highway infrastructure, with concerns raised that Seaside Lane is already highly trafficked and that the road has seen no improvements despite significant increase in dwellings constructed in the area. Concerns were also raised that the development both during construction and occupation will lead to congestion on the roads.
98. The proposals were submitted with a Transport Statement. The Highway Authority assessed the proposals, and raised no issues with the submitted details, however sought amendments relating to the visibility splay at the access point. Access to the site is now deemed acceptable with suitable residential and visitor parking provided within the development site. The provision of unadopted shared drives is noted and serves the maximum number of properties appropriate for these drives, with bin collection points added for ready access on bin collection day. The relocation of the bus stop would require further details to be submitted and a suitably worded condition would be applied to any approval to this effect. On the basis of the information and amended plans submitted no objections are raised from highways perspective. A further condition has been requested in relation to details on highways management during the construction phase which would be included within any Construction Management Plan. Details on Electric Vehicle charging points would also be required to be secured through condition.
99. In relation to the concern that the additional dwellings would create congestion on the highway, it has previously been highlighted in paragraph 69 above, that the site is well related to the settlement of Easington with ready access to alternative means of transport modes other than the private car. It is considered that future occupiers of the proposed dwellings on site would have a genuine choice of transport modes to services, in line with requirements set out in paragraph 105 and 110a) of the NPPF and policy 21b) of the CDP.
100. Based on the above assessment, the extent of development proposed would not be expected to create significant impacts on the highway network and suitable and safe

access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, it is considered that the proposals would not have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, although the concerns are noted, the highways impacts of the development are considered to be acceptable and in accordance with policies 6 and 21 of the CDP and Part 9 of the NPPF.

Ecology

101. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.
102. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment and biodiversity metric. Ecology assessed the details of the scheme and noted that there would be a loss in BNG credits through development of the site. Updated details were provided to demonstrate how the proposals would seek to secure biodiversity net gain on site, however this could only be partly achieved through habitat creation within areas of the POS. In agreement with the Ecology team, a financial contribution will be made to the sum of £15,741, secured as part of the Section 106 agreement to ensure that the development can meet policy requirements in terms of BNG.
103. Where BNG is to be secured on site, a Biodiversity Management and Monitoring Plan (BMMP) is required to demonstrate how it will be achieved, managed and maintained, with a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. As part of the latest Ecological Impact Assessment, details within the mitigation section of the report address this aspect and a condition will be applied to any approval to ensure adherence to this section of the report. In addition, offsite provision would be secured under Section 39 of the Wildlife and Countryside Act 1981. Overall, this would achieve a biodiversity net gain in accordance with CDP policy 26 and 41 and Para. 174 of the NPPF.
104. The proposed development is also within the 6km Durham Coast HRA buffer therefore a financial contribution of £31,021.01 to the Coastal Management Plan is required to mitigate impacts as a result of new housing development. The applicant is agreeable to making this contribution, secured through a section 106, to meet requirements set out in the Council's agreed HRA coastal mitigation strategy.

Flooding and Surface Water

105. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SUDS and aims to protect the quality of water.

106. Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
107. Durham County Council's Drainage and Coastal Protection Team act as the Local Lead Flood Authority (LLFA) and along with NWL have assessed the various plans and information submitted in support of the scheme. Throughout the planning process amendments have been sought accompanied by updated calculations to determine appropriate management of surface water across the site. The SUDS has also been redesigned to suitably address the requirements set out in the Sustainable Drainage System Adoption Guide to ensure such schemes maximise amenity, biodiversity as well as flood relief benefits to the local area. The latest Flood Risk Assessment report is deemed acceptable and the LLFA offer no objections.
108. NWL have confirmed that they have no objections to the proposals but have requested the inclusion of a condition to ensure works are carried out in relation to the latest drainage plan submitted. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policies 35 and 36 of the CDP.

Other issues

109. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets, including those of archaeological interest, whilst improving access where appropriate.
110. The Archaeology Section requested receipt of a geophysical survey report and trial trenching prior to any decision being issued. These details were provided and were further assessed by Archaeology section confirming that no further information or conditions would be required. As already noted, the site is not within a Conservation Area and there are no designated or non designated heritage assets nearby.
111. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in an edge of settlement location characterised by both residential and commercial development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.
112. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
113. Contamination land section assessed the details of the proposals and the phase 1 report submitted in support of the scheme. Based on the details within this report they request

that a full pre commencement condition be applied to any approval granted, along with a post development verification report. These conditions will be duly applied in line with policy requirements in the CDP and NPPF. An informative will also be applied in the event that unforeseen contaminated land is encountered during construction works.

Objections

114. There is strong local opposition to the further development of housing on the outskirts of Easington village. Numerous comments highlight concern over the extent of new housing being approved and that cumulatively the impact on the village is detrimental, both to its character and the quality of life of residents within it.
115. Assessing the planning history relating to major housing developments within the village in the last 10 years, it is noted that a total of 288 dwellings have been approved. These include 80 properties on the former Council office site, south of Seaside Lane, approved in 2014; 74 properties at Fennel Grove approved in 2016, located west of Sunderland Road, 138 metres from the application site; 96 dwellings permitted in 2020 to the east of the application site; and a recent approval of 38 new dwellings at Hall Walk, adjacent to the A19. As a broad estimate, using the Council's GIS intramap to determine the number of property address points within 750 metres radius from the centre of the Village Green, the Easington Village area consisted of approximately 750 dwellings prior to the approvals at the former Council office site and Fennel Grove. It is considered that Easington Village is a sustainable location capable of supporting the cumulative quantum of development proposed as a result of the current application. Nevertheless, it is noted that each individual application has been assessed on its own merits, determined against impacts on amenities of the area, nearby residents, highways, drainage, services and facilities and deemed in each case to be acceptable. The current proposals similarly have been assessed against each of these same material planning considerations and deemed to be acceptable, wholly in line with relevant CDP policy and subject to Section 106 contributions where required. Although there is a strong awareness and concern by local residents of the extent of change within the Village, there would be no policy basis to refuse the scheme on the basis that the settlement has been subject to significant new housing developments, particularly given the policy compliance already noted.

Developer Contributions

116. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as affordable housing and open space needs, education and health facilities. Policy 15 relating to Addressing Housing Need states that affordable housing will be sought on sites of 10 or more units.
117. **Affordable Housing** –In accordance with policy 15 based on the proposals for the construction of 41 dwellings, it would be expected that the scheme would provide four dwellings as affordable home ownership. It would be appropriate for these units to be tied as affordable housing via a section 106 agreement and to ensure that they remain so in perpetuity.
118. The Housing Delivery Team will require additional information in relation to the tenure breakdown of the scheme as well as demand / need data for the area to confirm that the affordable offer is what is required in the local area. At the time of writing, this information was not available, but these negotiations can be finalised prior to completion of the section 106 agreement or through a subsequent affordable housing statement pursuant to the S106 agreement.

119. **Open Space / Green Infrastructure** – Policy 26 states that proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. To this end, a financial contribution of £69,260.40 is required towards open and amenity space in the electoral division and would need to be secured through a Section 106 agreement.
120. **NHS North Durham Clinical Commissioning Group** - Residents have raised concerns over the impact of the development upon existing healthcare facilities within the locality from increased population. Consequently, the NHS have been consulted as part of the planning process and have advised that a development of this size would put additional pressure on local services. On this basis a contribution of £23,184 would be required to go towards improvement of GP access and upgrading of existing surgeries in the ED.
121. **European Protected Coastal Habitats** – As discussed previously and in line with policies 41 and 42, the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Management Plan is required to mitigate impacts as a result of new housing development, for which the applicant is agreeable to enter into a Section 106 to secure contributions of £31,021.01.
122. **Contributions towards off site provision Biodiversity Net Gain** – As discussed previously, given the size of the site, it would not be possible to achieve full BNG credits within the site. With agreement from Ecology Section and as calculated by them, a contribution towards off site provision of BNG within the County would be required, amounting to £15,741.
123. **Voluntary contribution towards highway safety improvement measures** - the local ward member for the area has raised some concerns over the extent of residential development taking place at Easington and the impacts this is having on highways traffic and safety in the areas. Additional section 106 funding was secured to cover highway safety improvement measures as part of the neighbouring scheme to the east of the application site to address this issue. This equated to £31,0000 as a voluntary contribution for the scheme of some 96 houses. The applicant was asked whether they would be agreeable to a pro rata amount to be secured as part of this scheme for 41 houses. The applicant has agreed to this and a contribution amounting to £13,243 would be included as part of the Section 106 agreement. However, it is important to note that as this is a voluntary contribution only and is not necessary to make the development acceptable in planning terms, no weight can be afforded to this contribution in the assessment of this application.

CONCLUSION

124. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).

125. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, is acceptable in principle and, subject to details to be submitted by reserved matters and conditions, would not have any unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water, archaeology and contaminated land in accordance with policies 6, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.
126. Whilst the proposal has generated public interest, the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application. It is therefore considered that proposals are acceptable and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP).
- 4 on site units for Affordable Housing ownership;
- £69,260.40 towards open space and green infrastructure in the Electoral Division;
- £23,184 towards health provision in the local area;
- £31,021.01 towards management of coastal habitats;
- £15,741 for off site provision of Biodiversity Net Gain in the County;

And subject to the following conditions:

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.

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 shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

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 in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
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Location Plan Flood Risk Assessment and Drainage Strategy Proposed Site Plan	DR-A-0500 DR-A-1200-P20	23/09/21 09/01/23 09/01/23
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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6 and 29 of the County Durham Plan and Parts 12 of the National Planning Policy Framework.

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

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

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

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

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. No development shall commence 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:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5. Designation, layout and design of construction access and egress points.

6. Details for the provision of directional signage (on and off site).

7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10. Routing agreements for construction traffic.

11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13. Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

6. No development shall commence until details of the proposed re-location of the bus stop which is currently located to the west of the proposed development access junction, is submitted and approved in writing by the Local Planning Authority. The submitted details should include precise information on the proposed new location of the bus stop, in agreement with the DCC Public Transport and Infrastructure Teams and details should also be included demonstrating consultation with local residents. The approved details shall be implemented prior to the first occupation of any dwelling hereby approved.

Reason: In the interests of highway safety and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

7. No development (excluding demolition) shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. The reserved matter application required through Condition 1 of this permission shall include a scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people. Thereafter the development shall be carried out fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.

9. The reserved matter application required through Condition 1 of this permission shall include a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

10. The reserved matter application required through Condition 1 of this Permission shall include a scheme to detail how each dwelling hereby approved is fully compliant with the minimum space requirements defined in the National Described Space Standards.

Reason: In the interests of residential amenity and to accord with policy 29 of the County Durham Plan.

11. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

13. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until a detailed Arboricultural Method Statement and Tree Protection Plan in accordance with BS.5837:2010 has been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

14. No development shall proceed beyond the installation of the damp proof course of any of the dwellings hereby approved until details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible zero carbon buildings, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c) of the CDP

15. No development shall proceed beyond the installation of the damp proof course of any of the dwellings until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

16. The development hereby approved shall be carried out in strict accordance with the mitigation measures detailed in Section 6 of the Ecological Impact Assessment by Dendra received on 20 February 2023, which provide details on the ecological enhancements, management of BNG areas and monitoring of the created habitats. The agreed enhancements shall be undertaken in the first available planting season following the practical completion of the development. The works and management and monitoring strategy shall be carried out strictly in accordance with the detailed measures and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. No development shall take place other than in strict accordance with the surface water management as detailed within the Flood Risk Assessment & Drainage Strategy Revision C received 9 January 2023.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

18. 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 0800 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 in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

19. The development hereby approved shall comprise a maximum of 41 dwellings.

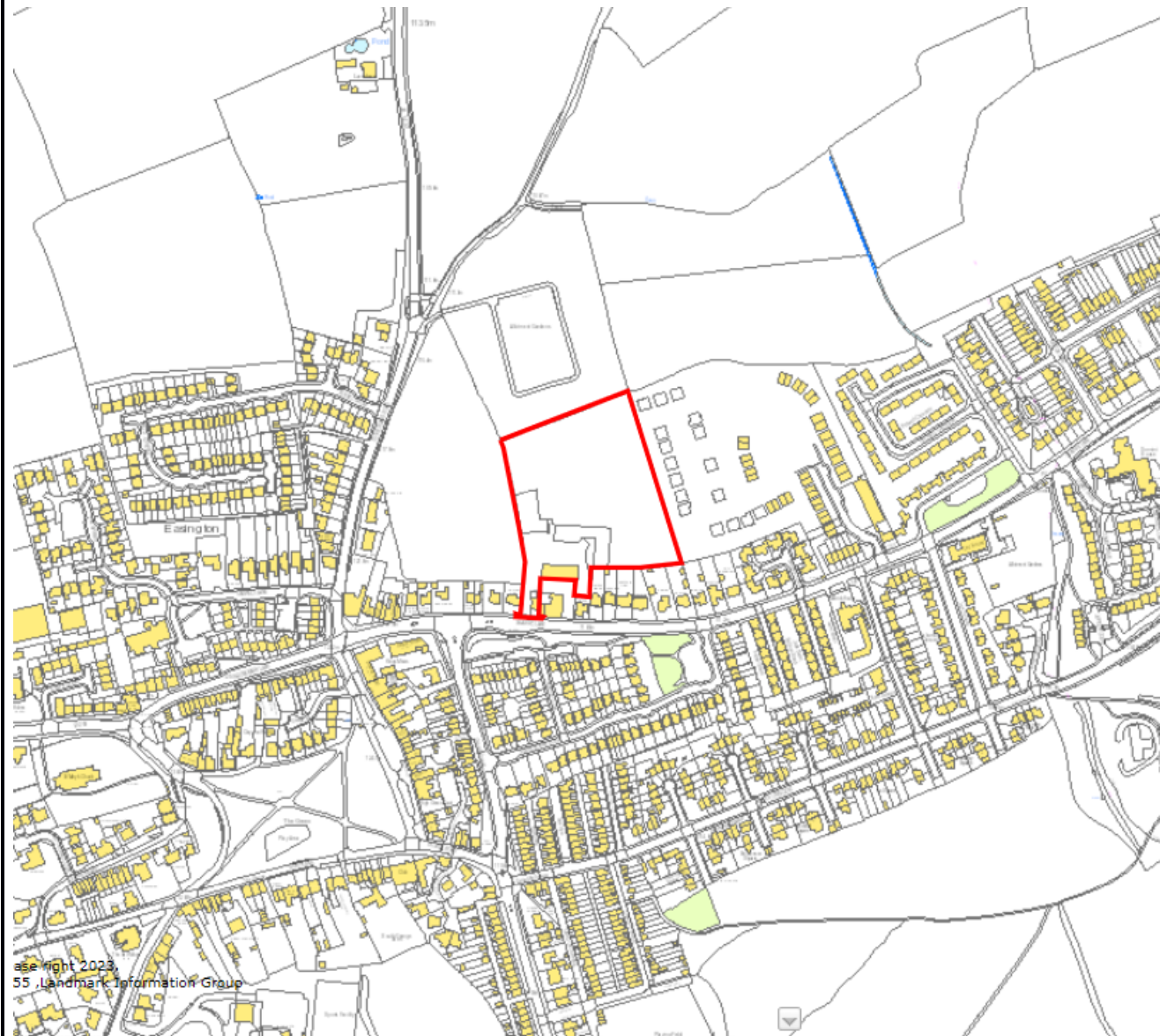
Reason: To define the consent and precise number of dwellings approved.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation responses
- Residential Amenity Standards SPD (2023)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019
- HRA: Guidance and Requirements for Developers in County Durham 2017.



Planning Services

Demolition of existing house and rear storage buildings and erection of 41 no. 1 and 2 storey dwellings, with details of proposed access off Seaside Lane and associated parking and landscaping (amended title)
 Snowdons, Seaside Lane, Easington Village
 Peterlee, SR8 3TW
 Ref: DM/21/03322/OUT

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Comments

Date 11 April 2023

Scale Not to Scale