



## County Planning Committee

**Date** Tuesday 2 January 2018  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 5 December 2017 (Pages 3 - 10)
5. Applications to be determined
  - a) DM/17/03433/RM - Mount Oswald, South Road, Durham (Pages 11 - 32)  
Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of two 500 bed colleges with associated student facilities and university hub building, pursuant to outline planning permission CMA/4/83 (as amended by DM/15/03555/VOC).
  - b) DM/17/03466/FPA - Land to the east of Fire Station, Green Lane, Bishop Auckland (Pages 33 - 48)  
Construction and operation of a Reserve Power Plant and associated infrastructure.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### Part B

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

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

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
20 December 2017

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

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

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

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 5 December 2017 at 1.00 pm**

**Present:**

**Councillor J Robinson (Chairman)**

**Members of the Committee:**

Councillors A Bell, J Clare, I Jewell, L Maddison, H Nicholson, G Richardson, A Shield and F Tinsley (Vice-Chairman)

**1 Apologies for Absence**

Apologies for absence were received from Councillors Hicks, Laing, Simpson and P Taylor.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

There were no declarations of interest in relation to any item of business on the agenda.

**4 Minutes**

The minutes of the meeting held on 9 November 2017 were confirmed as a correct record and signed by the Chairman.

**5 DM/16/03958/OUT - Land to the South East of Stewart Drive, Wingate, TS28 5PS**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application with all matters reserved (other than access) for the erection of up to 20 dwellings and associated infrastructure on land to the south east of Stewart Drive, Wingate (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and an indicative layout. A habitat mitigation area was proposed to the south of the site. The proposed access onto Wellfield Road had been approved under the extant planning permission and highways mitigation works were proposed at the A181/A19 junction with traffic signals on the junction of Wellfield Road with the A181.

Councillor Robinson reported that the local Member, Councillor L Taylor, had sought clarification on two areas, whether there had been a response from the Wingate Parish Council and whether any further response had been received from Northumbrian Water. The Senior Planning Officer replied Northumbrian Water had reiterated there was sufficient capacity within the sewerage network for the development. It was not intended for surface water from the site to feed in to the Northumbrian Water network. Wingate Parish Council had been consulted on the application but no response had been received.

Councillor L Taylor, local member addressed the Committee to object to the application. Councillor Taylor questioned whether there was any demand in Wingate for such a development, where there were already 138 houses either for sale, to let or empty. A consent had been granted in August for the construction of 6 houses, of which only 2 had been sold and 4 were boarded up. This application, together with the extant permission for 161 dwellings, would result in an additional 412 new houses in Wingate.

Councillor Taylor considered that such a development would create traffic problems and bring additional traffic onto Wellfield Road, which the A181 bypass had been constructed to alleviate. Councillor Taylor expressed doubts at the practicality of local schools being able to expand to accommodate the predicted additional pupils and also expressed concern at the ability of local GP surgeries to accommodate additional patients. The village of Wingate had few amenities, with no bank and only one small supermarket, and only an hourly bus service.

Councillor Taylor informed the Committee that local people still had concern about the ability of the sewerage system to accommodate the proposed developments and had yesterday received a communication from a local resident who was experiencing sewerage flowing into his garden.

The Senior Planning Officer replied to the issues raised by Councillor Taylor. The applicant had considered methods for extending local schools, and the problem particularly related to the infant school site. However, the applicant had demonstrated that the school accommodation could be extended to accommodate additional pupils. Referring to the capacity of local GP surgeries, the NHS had been consulted on the application and no capacity issues had been identified. Northumbrian Water had confirmed that there was sufficient sewerage capacity in the area to manage the development.

J McGargill, Highway Development Manager informed the Committee that the development would generate traffic. Mitigation was being proposed for the A181/A19 junction and it was estimated that 80% of the traffic from the development would travel to the A181 rather than through the village. 20% of traffic from the development would travel towards Wingate and Salters Lane which would equate to approximately 30 vehicles.

Mr M Earle, agent for the applicant, addressed the Committee. The NPPF supported sustainable development and there was an overall need for housing, with the Council being unable to demonstrate a 5 year housing land supply. This was a

sustainable development which was supported by the Council's planning officers and the application was a result of lengthy pre-application discussions.

Wingate was a tier 2 development and was capable of accommodating growth. The application brought with it a raft of s106 contributions to ensure the infrastructure was delivered. These included a £715,000 primary education contribution and £160,000 for improving the public rights of way network in the area. The construction value of the development was in the region of £51m and the development would have a gross spend power of over £105,000 per week.

The development also brought with it significant environmental and social benefits with a number of accessibility upgrades to the Public Right of Way and links to the site.

The proposed development could be readily accommodated and there were no outstanding objections from statutory consultees. Mr Earle asked the Committee to approve the application.

Councillor Tinsley informed the Committee it was clear that, with 80% of the traffic from the development estimated to use the A19, very few residents would be involved with Wingate. The application needed to be considered on its merits. There was no development plan for the area and the application needed to be considered under NPPF14 and whether the impact of the development outweighed the benefits.

The benefit of the development would be that it would provide significant housing in the area, however Councillor Tinsley considered that the development would be of no benefit to Wingate. Councillor Tinsley considered that the following seven issues outweighed the benefits:

- this development together with the extant scheme would result in a 20% increase in the size of the settlement of Wingate which was an explosive increase. Councillor Tinsley queried how local services would accommodate this expansion.
- the development was a significant distance from Wingate, as outlined at Paragraph 91 of the report.
- this would be a car dependent development and this put into doubt whether it was a sustainable development.
- the landscape impact of the development. If permission for this development was approved and the extant scheme to the north did not proceed, this development would have a significant visual impact. The proposed planning permission contained a Grampian condition at Condition 4 that no development should commence until the highway infrastructure approved under the extant permission had been fully implemented. While this Condition addressed the issue of access to the site. Councillor Tinsley considered that the Condition should be strengthened to ensure there was a significant level of build out on the north site before development could commence on this site. This would also ensure the development was phased and therefore any impact on Wingate would also be phased.
- concerns about provision of GP services in the area.
- the loss of agricultural land was a concern.

- concern about the provision of education, particularly at nursery and infant level.

Councillor Tinsley informed the Committee that this and the extant permission was a huge development for Wingate, the likes of which it had never experienced in such a short time. He proposed that if permission was granted the Grampian condition should be amended to include a significant element of development on the north site before construction commenced, and suggested that this be 50 dwellings.

Councillor Robinson informed Councillor Tinsley the Planning and Development Solicitor had advised that the proposed Grampian condition would be acceptable. The Senior Planning Officer added that if the amendment to the Grampian condition addressed the concerns of the Committee then the introduction of a 50 dwelling construction on the north site would not be a problem.

Councillor Jewell asked what the percentage increase this and the extant permission would be on properties in Wingate and whether there was any guidance on what an unreasonable percentage increase would be. Councillor Jewell also asked about the results of the market research on viability of the development.

Councillor Richardson informed the Committee that he had never heard such a damning report from a local Member on a planning application. He considered the proposed development to be too big and not necessary. Councillor Tinsley had covered many salient points and Councillor Richardson was finding it difficult to support approval of the application.

The Senior Planning Officer informed that Committee that the report at Paragraph 89 highlighted that, taking into account the extant consent, the erection of an additional 250 dwellings would increase the settlement of Wingate by some 18%. There was no hard and fast rule about what was considered an excessive growth in a settlement, but for this application there was nothing to show that the facilities and infrastructure could not cope.

Mr Earle informed the Committee that the services hierarchy to Wingate had been considered when the application was being prepared. As long as local services could accommodate the development, then the development should be acceptable. The applicant would generally be accepting of the proposed Grampian condition, which already applied to the road to the boundary of the site. The provision of GP services was for the NHS to consider, but no representations had been received. The developer had presented three options for the extension of the infant school which were deemed appropriate by the Council's education officers.

Referring to market research, the developer believed there was a market for the proposed dwellings, otherwise the site would not be developed. A reserved matters application had been submitted for the site to the north and the developer was ready to commence construction on this site.

There had been a low level of public objection to the proposed development. During the consultation event the applicant had distributed 2,000 flyers and the

Council had issued 600 letters of consultation. This high level of consultation resulted in only 8 objections being received.

Councillor Shield, while sympathising with the views presented by the local Member, informed the Committee that these were not unique. Councillor Shield agreed with the issues raised by Councillor Tinsley about the Grampian condition. If the development to the north of this site did not proceed then the application site would be a clear encroachment into the countryside.

Councillor Shield informed the Committee that this application, together with the one to the north, would result in an additional 411 dwellings. If each dwelling brought with it 1.7 vehicles, this would be an extra 700 vehicles accessing onto Wellfield Road or travelling through the neighbouring housing estate, which could cause problems of queuing traffic turning right onto wellfield Road. However, there were no statutory or internal objections to the development and NPPF14 promoted the presumption in favour of sustainable development. Councillor Shield **moved** approval of the application, subject to the strengthening of Condition 4.

Councillor Bell informed the Committee that he had concerns whether this was a sustainable development as the location of it would mean the residents were reliant on their cars.

Councillor Robinson agreed with Councillor Shield in that when he had visited the site he had experienced delays turning right. Councillor Robinson asked whether any of the significant s106 primary education contribution of £715,000 would be paid up front.

The Senior Planning Officer replied that there was a requirement for some elements of the contribution to be front-loaded to ensure capacity when the development commenced.

Councillor Clare informed the Committee that Councillor Richardson had summed up the issue of objection to the proposed development, that it was too big and was unnecessary and asked to what extent these to grounds for refusal would be valid should the applicant appeal. Although he accepted that there may be empty houses in Wingate and also houses for sale, these were never accepted as valid planning reasons for refusing an application. A statement had been provided by the applicant to state that the development was economically viable and highways considered the development would be acceptable with mitigation. The NHS had not raised any issue about the provision of GP services and drainage and coastal protection officers considered the development to be acceptable subject to Condition.

Wellfield School would benefit from more pupils attending and mitigation was proposed for primary schools. Paragraphs 57 and 120 of the report referred to the protection of future residents from noises sources and it was important that this took place. Councillor Clare **seconded** approval of the application subject to the strengthening of the proposed Grampian condition, that 50 dwellings on the north site be constructed before construction commenced on this site.

The Senior Planning Officer reminded the Committee that under NPPF Part 14 there was a presumption in favour of sustainable development unless its adverse impacts would significantly and demonstrably outweigh the benefits. Mitigation had been proposed for the identified harm from this development and there was not significant harm to warrant refusal. Wingate had been identified as a Tier 2 settlement because of the facilities it had. The NHS generally only responded to consultation when capacity issues were identified, although this tended to refer to infrastructure rather than staffing. The proposed Condition 14 dealt with a noise mitigation scheme.

Councillor Nicholson informed the Committee he had attended the site visit and agreed with what had been said in the meeting. He could not go against the recommendation of the planning officer.

Councillor Tinsley informed the Committee that he wanted the best for Wingate and its development over the next 20 years. He had concerns about the explosive growth and impacts on the landscape should the extant permission to the north not proceed. Therefore there needed to be significant development on the site to the north before this development could commence. This would also allow for greater phasing of the development. If the Committee was to refuse the application there was a potential the Council would lose any appeal and the s106 contributions would be lessened.

Councillor Shield added that as well as the proposed amended Grampian condition to include the construction of 50 dwellings on the site to the north, there needed to be connectivity between the north and the south of that site. Councillor Maddison agreed with Councillor Shield to ensure there was no lack of maintenance between the two sites.

The Senior Planning Officer suggested that Condition 4 of the approval could be amended to:

'No development shall commence until *50 dwellings and* the highway infrastructure approved under planning applications CE/13/01568/OUT and DM/17/03229/RM has been fully implemented *constructed*, this shall include internal public highway roads, vehicular and pedestrian links to Martindale Walk, Wellfield Road (as per plan C001 rev C) and pedestrian/cycle links onto the Haswell Hart walkway.'

Councillor Shield added that connectivity between the north and south also needed to be included.

Upon a vote being taken it was

**Resolved:**

That the application be approved, subject to the amendment of Condition 4 following consultation with the Chairman and Vice-Chairman of the Committee.

**6 Highway/traffic implications of Planning Applications - Presentation by Highway Development Manager**

The Committee received a presentation from J McGargill, Highway Development Manager which outlined the procedures undertaken when considering the highways implications of planning applications.

Councillor Clare thanked the Highway Development Manager for his presentation, which had provided the Committee with a greater understanding of the process.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** DM/17/03433/RM

**FULL APPLICATION DESCRIPTION:** Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of two 500 bed colleges with associated student facilities and university hub building, pursuant to outline planning permission CMA/4/83 (as amended by DM/15/03555/VOC)

**NAME OF APPLICANT:** Durham University & Interserve Construction

**ADDRESS:** Mount Oswald  
South Road  
Durham  
DH1 3TQ

**ELECTORAL DIVISION:** Neville's Cross

**CASE OFFICER:** Colin Harding, Senior Planning Officer  
03000 264865 [colin.harding@durham.gov.uk](mailto:colin.harding@durham.gov.uk)

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site forms part of the former Mount Oswald Golf Course which lies close to the southern edge of Durham City. Roughly triangular in shape, the Mount Oswald site is bordered by residential and University development to the north, and further residential development to the south. The A177 (South Road) runs along the eastern site boundary, with the Howlands Farm Durham University campus and Howlands Park and Ride car park, Durham Crematorium, and Durham High School beyond. The A167 runs along the western boundary, with open countryside beyond.
2. This particular site is located to the north-eastern corner of the former Mount Oswald Golf Course. To the north lies land subject to an application for a Multi-Use Games Area (MUGA) (DM/17/03465/FPA), Mill Hill Lane, Van Mildert College and St Aidan's College. To the east lies South Road, to the south an access road and to the west is site which has recently gained outline consent for an 850-bed student accommodation scheme (DM/16/04067/OUT).
3. Immediately to the north of the site runs Durham City Footpath 17, whilst Durham City Footpath 18 is located approximately 50m to the south of the site, running in an

east/west direction. Houghall, Maiden Castle & Little Woods Local Wildlife Site lies approximately 450m to the east of the site, beyond Collingwood College and Durham University Botanical Gardens.

4. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, the zone of lowest risk. In terms of heritage assets, the core of the Mount Oswald site which lies approximately 20m to the south of the site at the closest points is designated as a Park and Garden of Local Interest, within which is situated Mount Oswald Manor House which is a Grade II Listed Building.

## The Proposal

5. In February 2013, outline planning permission (CMA/4/83) was granted for the whole Mount Oswald site for a mixed-use development comprising 291 dwellings, student accommodation, office, retail, community uses and associated infrastructure. This permission has since been superseded by a Section 73 application (DM/15/03555/VOC). Since outline consent was granted, the site has gradually been built out and planning permission has been granted for reserved matters on Phases 1, 2a, 2b and 4, with Phase 1 approaching completion, and Phase 2a underway.
6. The application subject of this report relates to the submission of reserved matters in respect of appearance, landscaping, layout and scale pursuant to the outline permission for student accommodation comprising two 500 bedspace colleges with associated student facilities and university hub building. The development would be formed of 13 buildings, including a mix of three and four storey accommodation blocks to provide 698 en-suite rooms in cluster flats, 10 accessible en-suite rooms distributed amongst the cluster flats, 276 rooms with shared bathrooms in townhouse accommodation and 8 one-bed flats, capable of accommodating couples, for visiting fellows. It is anticipated that colleges would take the form of 640 Undergraduate “first year” rooms, 186 Undergraduate “returner” rooms, 158 Postgraduate rooms and the 8 rooms for visitors. Each college would have a two storey college heart building with Junior Common Room, college facilities and administration services. In addition, there would be a two storey University Hub to provide flexible space, dining and catering capacity for 300 people and provision for drama, events and other performances.
7. The land to the east of the site would provide open space, biodiverse landscape habitats and an attenuation pond. Cycle parking would be provided across the site with provision for 203 covered cycle spaces and 80 open cycle spaces. There would be no student car parking however, 55 car parking spaces would be provided for staff, spread across the site.
8. The proposed development would be arranged as two colleges of distinct character known as “John Snow College” and the as yet un-named “17<sup>th</sup> College”. John Snow College would be located on the northern and western area of the site, and exhibits a relatively traditional collegiate red brick built form, with most of the accommodation being housed in two symmetrical blocks arranged around a central College Hub. Additional “town house” style accommodation would be provided in separate blocks located to the north.
9. “17<sup>th</sup> College” would occupy the south central part of the site, and would address the Mount Oswald access road, to the east of the proposed college a SUDS drainage infrastructure would be located. This college would exhibit a more contemporary approach, combining cladding, printed concrete and grey brick construction. The arrangement of buildings here would be less formal than at John Snow, with the College Hub located at the eastern edge of the collegiate area.

10. Linking the two colleges, and providing a visual pivot for the overall development would be the circular University Hub located at the south western corner of the site. This building would be provide shared facilities for both colleges, providing both a visual and practical focus point the development. A pedestrian route would run from the University Hub, in a north easterly direction towards the proposed Multi-Use Games Area, and then northwards towards Mill Hill Lane.
11. This planning application is being reported to County Planning Committee at the request of Cllr Brown, Local Member for the Neville's Cross Ward on the basis that the development is too large for consideration under delegated powers and that Committee Members should have the opportunity to consider the design of the development.

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## **PLANNING HISTORY**

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12. CMA/4/83 Outline planning application with access details (all other matters reserved) for a mixed use development comprising 291 dwellings, to include specialist market housing for the elderly, student accommodation, office, retail, community uses and associated approved in 2013.
13. CE/13/01396/RM Reserved matters relating to appearance, landscaping, layout and scale of the erection of 60 dwellings pursuant to Phase 1 of outline permission CMA/4/83 approved in June 2014.
14. DM/14/01268/RM Reserved matters application in regard to northern access road pursuant to planning permission CMA/4/83 approved in September 2014.
15. DM/14/03391/RM Reserved matters application pursuant to outline planning permission CMA/4/83 in respect of internal western shared access road and associated earthworks and drainage approved in December 2014.
16. DM/15/01009/RM Electrical distribution substation and GRP gas kiosk approved in May 2015.
17. DM/15/02268/NMA Non-material amendment pursuant to drawing PAD7A as part of Reserved Matter application DM/14/03391/RM approved in August 2015.
18. DM/15/03555/VOC Variation of condition 3 (approved drawings) pursuant to planning permission CMA/4/83 in regard to a revised masterplan that includes landscape and drainage modifications approved in May 2016.
19. DM/15/03734/VOC variation of condition 1 pursuant to DM/15/03555/VOC in relation to Phase 1 of the development, comprising alterations to hard and soft landscaping, layout, and substitution of house types on plots 18, 19, 21 and 39 (amended description) approved in August 2016.
20. DM/15/03820/RM Application for reserved matters relating to appearance, landscaping, layout and scale for 105 dwellings (Phase 2) pursuant to planning permission CMA/4/83 approved in June 2016.
21. DM/17/00453/RM Reserved matters application in relation to linear park feature pursuant to application DM/15/03734/VOC approved February 2017.
22. DM/16/03490/NMA Non-material amendment to Conditions 1 and 2 of DM/15/03820/RM to allow use of alternative of roof tile and boundary treatments and

to allow occupation prior to implementation of Linear Park approved in January 2017  
17. DM/16/04087/FPA Installation of temporary construction access road approved in February 2017. DM/17/00415/FPA Construction of Central Access Road approved in April 2017.

23. DM/16/04067/OUT Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved. Approved subject to S106 agreement.
24. DM/17/01831/RM Application for reserved matters relating to appearance, landscaping, layout and scale for 54 dwellings (Phase 4) pursuant to planning permission CMA/4/83 as varied by DM/15/03555/VOC. Pending decision.
25. DM/17/02105/RM Application for reserved matters relating to appearance, landscaping, layout and scale for 71 dwellings (Phase 2b) pursuant to planning permission CMA/4/83 as varied by DM/15/03555/VOC. Pending decision.
26. DM/17/03465/FPA Demolish 2no. dwellings & erect multi-use games area inc, associated access & landscaping. Pending decision.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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27. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
28. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
29. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
30. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

31. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
32. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
33. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
34. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
35. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
36. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

37. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions, and water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### City of Durham Local Plan (2004) (CDLP)

38. *Policy C3 – Education: University of Durham.* This policy states that the development proposals by Durham University will be supported where they meet a number of criteria, including providing adequate student accommodation.
39. *Policy E5 - Protecting Open Spaces within Durham City.* This policy seeks to protect open spaces which form a vital part of the character and setting of Durham City by only permitting development in the Mount Oswald – Elvet Hill parkland landscape area which does not exceed the height of surrounding trees and is sympathetic to its landscape setting, and is of low density, setting aside most of the site for landscaping and open space.
40. *Policy E5A - Open Spaces within Settlement Boundaries.* Protects the important functional, visual or environmental attributes that contribute to a settlement's character.
41. *Policy E14 - Trees and Hedgerows.* Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
42. *Policy E15 - Safeguarding woodlands, trees and hedgerows.* Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
43. *Policy E21 - Conservation and Enhancement of the Historic Environment.* Requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
44. *Policy E23 - Listed Buildings.* Seeks to safeguard listed buildings and their settings.
45. *Policy E24 - Ancient Monuments and Archaeological Remains.* Sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
46. *Policy H16 - Residential Institutions and Student Halls of Residence.* Provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
47. *Policy EMP3 - Mount Oswald.* Permits the development of a prestigious office/research centre project of a strategic significance at Mount Oswald provided that the parkland and landscape quality of the site is not compromised. Only employment uses relating to Class B1 of the Use Classes Order will be permitted on this site.
48. *Policy T1 - Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

49. *Policy T10 - Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
50. *Policy T19 - Cycle Routes.* Seeks to ensure the development of a safe, attractive and convenient network of cycle routes throughout the district.
51. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
52. *Policy T21 - Safeguarding the Needs of Walkers.* States that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
53. *Policy R1 - Provision of Open Space* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
54. *Policy R2 - Recreational and Amenity Space in the New Residential Developments* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
55. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility.* States that the layout and design of all new development should take into account the requirements of all users.
56. *Policy Q4 – Pedestrian Areas.* Requires that pedestrian areas should be laid out and designed with good quality materials in a manner which reflects the street scene
57. *Policy Q5 - Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
58. *Policy Q8 - Layout and Design – Residential Development.* Sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
59. *Policy U7 - Pollution Prevention – Development Sensitive to Pollution.* States that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.

60. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

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

##### Durham City Neighbourhood Plan

62. The Durham City Neighbourhood Planning Forum has been established, and a Neighbourhood Area has been defined, which includes the application site. A draft plan has recently been published in November 2017 for consultation but the plan has not been subject to examination. It is considered that at the present time that this plan cannot be afforded any weight.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

63. *Highway Authority* – No objections are raised. Initial comments relating to cycle parking, junction specification and parking provision have been addressed through the application process, although it is noted that a Traffic Regulation Order will be required to prevent students from parking on roads around the Mount Oswald site.
64. *Drainage and Coastal Protection* – No objections are raised.

#### **INTERNAL CONSULTEE RESPONSES:**

65. *Design and Conservation* – No objections are raised. Officers note that the design has evolved as part of an iterative process meeting the requirements of the University and end user. The overall form, scale, massing, and materiality have been considered in context without compromising landscape, permeability and amenity, including that of the setting of Mount Oswald House, which is not compromised. Recent discussions with the developer/architects on materials have led to some improvement. The result is safe and consistent architecture that complies with the overall brief. The result is a well-considered development that is appropriate to its context.

66. *Landscape* – No objections are raised. The landscape proposals shown on the Landscape Masterplan and described in the Landscape Strategy are well considered and provide an appropriate response to the site and the proposed buildings. Some detail is provided in the submitted documents: a fully detailed scheme will need to be required by condition at an appropriate time point
67. *Landscape (Trees)* – No objections, the arboricultural report is satisfactory and complies with current standards, a large majority of trees will be retained with lower value individuals removed to facilitate the development. Replacement species recommended in the landscape strategy are satisfactory.
68. *Ecology* – Raise no objections.
69. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections as the development would be unlikely to cause a statutory nuisance. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This indicates that the application would not lead to adverse impacts. The proposed MUGA would be in the same ownership as the closest accommodation so any issues could be resolved internally. The Construction Management Plan is considered to be satisfactory.
70. *Archaeology* – No objections, archaeological interest at the site was assessed under the outline permission and this area was found to have no features within it.

#### **EXTERNAL CONSULTEE RESPONSES:**

71. *Durham Constabulary* – Concerns were originally raised relating to the following; the availability of alcohol in and near the site; creating safe pedestrian routes around the site and to the nearby colleges; good signage to the various houses; the lighting scheme; landscaping; access control to the individual buildings; specification of ground floor windows and glazing; cycle parking; the pond. However, during the design process, these issues have been addressed.

#### **PUBLIC RESPONSES:**

72. Whilst there is no statutory duty to publicise applications for Reserved Matters, the application was nevertheless advertised within the press, on site and letters were sent to neighbouring properties. No representations have been received as a result.

#### **APPLICANTS STATEMENT:**

73. This proposed development will deliver one of the first elements of Durham University's proposed Estate Masterplan (2017-2027) which has been developed in consultation with Durham County Council and a wide range of stakeholders in an integrated and carefully planned approach; to enable the University to continue its success as a world leading institution and to maximise benefits to the local area. The University boosts the UK economy by £1.1 billion a year and supports nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north east.
74. As part of the Durham University Masterplan, academic programmes and colleges will be relocated from Queen's Campus in Stockton to Durham City, student numbers will grow to a maximum of 21,500 by 2027 and 50% of students will live in collegiate accommodation. The principle of the proposed student accommodation on this site was approved as part of the wider outline planning permission for the development of Mount Oswald Golf Course.

75. The proposed development will provide space for John Snow College and a new 17th college, totalling 1,000 student bed space, to be ready for 2019/20. The proposals seek to establish unique characters for the two Colleges. The design uses the natural land form, layout, architectural language, materials and landscape to create two distinct identities.
76. There will also be a Hub, which will provide central facilities for both Colleges and a flexible hall suitable for formal dining for up to 300 and other social events. It also incorporates music practice, faith and drama rooms, a gym, and laundry facility. A separate application has been submitted for a Multi-Use Games Area (MUGA). Both the HUB and MUGA will be available for community use.
77. The Interserve consortium were selected as development partners following a limited competition, which focused on the quality of the design. The design has considered the character and appearance of the area, as well as historically important buildings close to the site and the wider influences including key views of the Durham World Heritage Site.
78. Substantial work has been undertaken in preparing the proposals for the site, including pre-application meetings with the LPA and key stakeholders as well as three public consultations that were attended by stakeholders including local residents, staff and students.
79. The University will be working in partnership with Interserve and Campus Living Villages to construct and operate the Mount Oswald accommodation.
80. On completion, Campus Living Villages will be responsible for the refuse and recycling collections, and the cleaning and maintenance of the accommodation on behalf of the University.
81. The University and Colleges will retain responsibility for all pastoral care and welfare of students. The University will also retain the services of grounds maintenance and site security; as well as operation of the Hub.
82. The proposed development is sustainably located within the urban area of Durham, close to existing University facilities and accommodation. The proposal is car-free (with the exception of disabled and service vehicle accessibility) and includes improvements to pedestrian access through and around the site, encouraging sustainable modes of travel.
83. The proposed development contributes to all three dimensions of sustainable development, delivering substantial benefits in each area. The proposed development not only benefits the University but also creates benefits to the wider area, including direct and indirect construction jobs, using local suppliers where possible, and the creation of an additional jobs once operational. The proposal will also provide conferencing facilities which will attract visitors and further spending power to the area.
84. The scheme falls within the definition of sustainable development, on which the NPPF encourages planning authorities to take a positive approach.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*  
<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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85. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received.
86. In February 2013, outline planning permission was granted for the redevelopment of Mount Oswald Golf Course for residential development, student accommodation, and community hub. Illustrative masterplans showed that the site could accommodate up to 291 dwellings. The application was also supported by range of reports including Design and Access Statement, Ecology, Transport, Landscape, Land Contamination, and Drainage and Flood Risk. On this basis, and in granting permission, it was established in principle that the site could be redeveloped for up to 291 dwellings, as well as 1000 student bedspaces. The permission, and subsequent variations of condition was subject to a number of conditions relating to the submission of subsequent reserved matters, and that any such subsequent submission shall be in substantial accordance with the masterplans submitted at outline stage. The application subject of this report relates to the submission of reserved matters pursuant to the outline planning permission, and deals with matters including layout, scale, appearance, and landscaping.
87. It should be noted that this application is only for the approval of reserved matters, and that the principle of developing the site to include purpose built student accommodation has already been established by the outline planning permission, where compliance with CDLP Policies EMP3, C3 and H16 was established. Although the Interim Policy on Student Accommodation was adopted after outline planning permission was granted, there is no requirement, or indeed scope to re-consider the principle of student accommodation in this location as part of this particular application.

### Layout

88. The character and appearance of the site at present, is one of open grassland, exhibiting remnants of character from its former use as part of Mount Oswald golf course. The Mount Oswald site as a whole is subject to CDLP Policy E5, which seeks to ensure the protection of open spaces within Durham City which form a vital part of its character and setting. Specifically in respect of Mount Oswald, it states the development will only be permitted where it does not exceed the height of surrounding trees, is sympathetic to the landscape setting, and is of a low density and sets aside most of the site for landscaping /open space. CDLP Policy E5 is considered to be consistent with NPPF, and can continue to be afforded significant weight.
89. CDLP Policy E5a reinforces Policy E5 by stating that the development proposals within settlement boundaries that detract from open spaces which possess important functional, visual, or environmental attributes will be resisted. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
90. In applying CDLP Policy E5 to this proposal, it is important to recognise that the policy is seeking to protect the Mount Oswald site as a whole. A comprehensive masterplan for the redevelopment of the Mount Oswald site has previously been granted planning permission, and is currently under construction, and includes significant areas of retained open space, including the most sensitive areas, and the area of the Grade II

Listed Park which is located in the immediate vicinity of Mount Oswald Manor House, resulting in a relatively low density of development overall. The development which is subject to this application, would sit within this wider masterplan for the entire site, and the development of this part of Mount Oswald, in some form, has previously been accepted as part of this approved masterplan.

91. CDLP Policy Q8 sets out the requirements for the layout and design of new residential development. This Policy is considered to be only partially consistent with NPPF as it is considered to be overly restrictive in some respects. However, the general principles contained within it are considered to be largely consistent, and can continue to be afforded a degree of weight.
92. The proposed layout has been devised so as to provide a clear definition between the two proposed colleges, whilst remaining a cohesive larger development linked by the University Hub which forms the heart of the proposal. From this point, at the south western corner of the site, the primary pedestrian route runs in a north easterly direction, providing demarcation between the two colleges, before joining Mill Hill Lane at the northern boundary of the site.
93. The layout of John Snow College is generally formal, making use of symmetrical forms to establish a hierarchy of open spaces, with semi-private space being formed around the College Hub. By means of contrast, 17<sup>th</sup> College features a more trigonometric approach and higher diversity of routes through, and around it as it steps down the hill towards South Road to the east of the site, however semi-private space is created to the west of the College Hub.
94. Overall, the layout of the development is considered to accord with the requirements of CDLP Policy Q8, with it forming a legible and safe environment. Adequate areas of amenity space and privacy would be provided and the site would make appropriate use of the topography, working with the contours of the site. Adequate levels of privacy would be maintained within the development in accordance with the distances set out in CDLP Policy Q8, whilst the closest residential property not related to the development would be at Nickleby Chare, over 150m to the north west of the site, and due to intervening topography, landscaping and buildings would have only a very limited visual relationship with the proposed development, and then the application can be considered to be also compliant with CDLP Policy Q8 in this is regard.
95. There are no particular existing features worthy of retention on the site, and the proposal is in accordance with CDLP Policies E14 and Q8 (both considered consistent with the NPPF and can be afforded full weight) in this respect. Whilst large areas of amenity space are not proposed Such open space is considered adequate in the context of the site's location within the wider Mount Oswald parkland, adjacent to substantial areas of open space both formal and informal, having regard to CDLP Policies R1 and R2 (partially NPPF consistent, afforded some weight). This would comply with the requirements of CDLP Policies EMP3, Q4 and Q8, as well as Part 7 of NPPF in terms of providing safe, accessible and attractive areas of open space.
96. CDLP Policy T1 seeks to ensure that development will not be detrimental to highway safety, however this goes beyond the "severe impact" test advocated by the NPPF, so only limited weight can be afforded to this particular Policy. CDLP Policy T10 seeks to limit parking provision, which is not consistent with NPPF, and this policy should be afforded extremely limited weight. CDLP Policies T19 and T20 seeks to ensure that provision is made for cyclists, whilst CDLP Policy T21 seeks to safeguard the needs of pedestrians.

97. With regards to highways and parking, the development is considered to be largely acceptable. The development is proposed to be “car-free” in accordance with Durham University policy, and it is therefore expected that students would not have a vehicle on-site. There are however a number of staff and disabled parking spaces. Vehicle movements into, and around the site would be limited to a minimum, with parking generally provided on the periphery of the development. Student “changeover day” would be managed in accordance with Durham University procedures, as occurs at all the Colleges across the city. Whilst such days may cause some disruption, this would be limited to a few days per year, and would not constitute a severe impact, in accordance with Part 4 of NPPF.
98. Highways officers note that in their experience, around 15% of students keep a car at their place of residence, even those that are “car-free”, whilst not objecting to the development, they note that a Traffic Regulation Order may be necessary in order to prevent the parking of cars owned by students, but not accommodated within the development, being parked elsewhere on the wider Mount Oswald site. This can be secured outside of the planning application process.
99. The site has excellent access to the Howlands Park and Ride site, and the principle of student development on this has already been established. It would be inappropriate to consider any impacts of additional pedestrian or indeed vehicle movements on the surrounding road network any further as part of this Reserved Matters application.
100. A condition to secure final a Travel Plan for this particular site is proposed in order to ensure that sustainable travel is maximized in accordance with CDLP Policy T1. The pedestrian infrastructure within the site is considered to be acceptable, and in accordance with CDLP Policy T20, by providing a strong route through the site towards to Mill Hill Lane. The needs of cyclists have been addressed by the provision of a significant number of covered cycle storage spaces for residents, and uncovered provision for visitors, in accordance with CDLP Policies T19, T20 and T21, and addressing the concerns originally raised by Highways Officers in this regard.

#### Scale

101. The proposed development is comprised of several of blocks of differing scales according the topography of the particular part of the site, with no single block exceeding 5 storeys in height. The building mass is designed to sit comfortably within the mature landscape and as result does not dominate the landscape due to the development taking full advantage of topography in this location and the scale of the proposed development is considered to be acceptable, and in accordance with CDLP Policies Q1, Q2 and Q8, as well as Part 7 of NPPF. The impact upon the listed building of Mount Oswald Manor House, would largely relate only to its setting, with the intervening topography and landscaping reducing any impacts to an acceptable, and certainly less than substantial level of harm, in accordance with Policies E21, E23 and E24 of the CDLP. The level of impact upon the Historic Park and Garden, having regards to Policy E26 has previously been considered at outline stage.

#### Appearance

102. In terms of appearance, the proposed development has been through an iterative design process which has seen the design amended over the course of discussions.
103. This development essentially comprises the final significant development area within the overall Mount Oswald redevelopment. As a result, it sits within a context of modern development, and particularly directly to the north, in a context of large institutional buildings. The very nature of the development as forming two new colleges for Durham

University, has dictated the layout and overall appearance of the proposal, with the university having specific, established requirements for collegiate development. Amongst other considerations is the need for each college to have a clear individual character.

104. In order to achieve this, the proposal offers two colleges of very much contrasting appearance. John Snow College, with its traditional formal arrangement and brick built appearance offers an arguably less challenging approach, whilst 17<sup>th</sup> College, with its more modern appearance and less formal layout presents a familiar more modern style of development.
105. CDLP Policy Q8 requires new residential development to be appropriate in scale, form and materials to the character of its context. In this case, the proposed development is considered to be in accordance with the requirements of this policy. There is no over dominating existing character to the site and its surroundings, with much of Mt Oswald currently subject to ongoing development, whilst the historic core around the Manor House would remain visually separated by significant areas of woodland. The closest large development is Van Mildert College, itself a formal collegiate development in buff brick, with large areas of glazing, very much in a style of the mid-1960s when it was built.
106. The proposed development would, it is considered assimilate with Van Mildert College. The layout of the site, with the SUDS pond located at its eastern edge reflects the existing pond which is the visual centrepiece of Van Mildert College. The formal layout of Van Mildert College is reflected in John Snow College, whilst the lighter tones of the use of grey brick and concrete on 17<sup>th</sup> College reflects the similarly light materials palette utilised at Van Mildert.
107. The University Hub sits as the nexus of the development, and in many ways provides a visual pivot, and therefore the circular nature of this key building is considered to be acceptable. The building has no rear elevation, and as a result, it engages on an equal with not only both colleges, but also the main pedestrian route, as well as the main Mt Oswald access road. The shape and striking design of this building also serves to provide the development with a clear focal point. The use of modern materials, but also a colour palette reflective of both of the proposed Colleges is considered to successfully tie the development together.
108. As result, the proposed development generally assimilates well in terms of its appearance with those buildings closest to the site, whilst intervening landscaping provides the site with a degree of visual separation from more sensitive parts of the site. Design and Conservation officers note that the overall proposal represents safe and consistent architecture that is well considered and appropriate to its context. Overall, the development can be considered to be in accordance with CDLP Policy Q8, as well as Part 7 of NPPF in this respect.

## Landscaping

109. CDLP Policies E14 and E15 seek to ensure that existing trees within development sites are retained and protected wherever possible. These Policies are considered to be NPPF compliant, and can continue to be afforded significant weight. Overall, the site is relatively clear of existing trees, with the most significant being on the northern boundary, where the site meets Van Mildert College, and the current site of the two existing Durham University owned houses which are currently subject to a separate application to form a Multi-Use Games Area (MUGA). It is proposed that these trees would be retained, and appropriately protected during development by means of planning condition, and that this would be in accordance CDLP Policies E14 and E15.

110. CDLP Policies Q4 and Q5 requires developments to contain a high level of landscape and pedestrian area quality. These Policies are considered to be NPPF compliant and can be afforded significant weight. The development itself contains a mix of hard and soft landscaping, and whilst details of specific species to be used can be secured by means of planning condition, the overall strategy is considered to be strong, and would result in an attractive and safe environment to complement the wider built form. Landscape officers offer no objection to the proposed development on this basis.
111. The landscaping of the site would include a SUDS pond at its eastern extent, which as discussed above provides an attractive visual link to the existing pond at Van Mildert College, as well as providing an attractive feature in its own right when viewing the development from South Road. The Police Architectural Liaison Officer originally raised the issue of the safety of the pond, however subject to the use of appropriate defensive planting around the pond to prevent access, it is considered that this would not be likely to represent a significant issue.

Other issues.

112. Most other issues have been considered at the time of granting outline planning permission, including principle of development, wider residential amenity, ecology and heritage impacts, and it is considered that there is no need to consider them further at this stage. It is proposed to ensure that impacts upon residential amenity during construction are adequately addressed through adherence with the submitted construction management plan, which can be secured by means of a planning condition. The proposed development confirms that it would accord with drainage, archaeological, tree protection measures secured by condition on the original outline planning permission, and it is considered that it would be unnecessary to reattach such conditions on this application for Reserved Matters approval. As a result, the proposed development can be considered to be in accordance with CDLP Policies E21, E23, E24, U7 and U8a, as well as Parts 10, 11 and 12 of NPPF.

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## **CONCLUSION**

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113. The principle of student accommodation for up 1000 students was established on this site following the approval of application CMA/4/83 in February 2013. This permission has since been superseded by a Section 73 application (DM/15/03555/VOC), but the student element remains unchanged. There is no need therefore to consider the principle of student accommodation in this location any further, with the scope of this application relating only to scale, layout, appearance and landscaping, with access having been previously agreed.
114. These matters have been fully considered and the proposed development is considered to form a design solution that enables Durham University to accommodate the level of student numbers required, in an appropriate and acceptably designed development, that respects its location and surrounding existing land uses, and would be in accordance with the relevant CDLP policies, relevant sections of the NPPF, and other material planning considerations, and approval is therefore recommended.

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## **RECOMMENDATION**

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

1. The development hereby approved shall only be carried out in accordance with following approved plans and documents:

Document	Rev	Detail	Scale	Size	Originating Organisation	Issue Date
0605-PL-B1-GA-02000	-	BLOCK B1 - GROUND & FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B1-GA-04000	-	BLOCK B1 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B1-GA-02001	-	BLOCK B1 - SECOND, THIRD FLOOR & ROOF PLANS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B1-GA-03000	A	BLOCK B1 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B1-GA-03001	A	BLOCK B1 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B2-GA-02000	-	BLOCK B2 - GROUND & FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B2-GA-04000	-	BLOCK B2 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B2-GA-02001	-	BLOCK B2 - SECOND, THIRD & ROOF PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B2-GA-03000	A	BLOCK B2 - EAST & WEST ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B2-GA-03001	A	BLOCK B2 - NORTH & SOUTH ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B3-GA-02001	-	BLOCK B3 - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B3-GA-02002	-	BLOCK B3 - SECOND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B3-GA-02000	-	BLOCK B3 - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B3-GA-02003	-	BLOCK B3 - THIRD FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B3-GA-02004	-	BLOCK B3 - ROOF PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B3-GA-04000	-	BLOCK B3 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B3-GA-03001	A	BLOCK B3 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B3-GA-03000	A	BLOCK B3 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B4-GA-02000	-	BLOCK B4 - LOWER GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B4-GA-04000	-	BLOCK B4 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B4-GA-02001	-	BLOCK B4 - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B4-GA-02002	-	BLOCK B4 - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B4-GA-	-	BLOCK B4 - SECOND	1:100	A1	Willmore Iles	20-Oct-

02003		FLOOR PLAN			Architects	17
0605-PL-B4-GA-02004	-	BLOCK B4 - THIRD FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B4-GA-02005	-	BLOCK B4 - ROOF FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B4-GA-03000	A	BLOCK B4 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B4-GA-03001	A	BLOCK B4 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B5-GA-02000	-	BLOCK B5 - LOWER GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-04000	-	BLOCK B5 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-02001	-	BLOCK B5 - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-02002	-	BLOCK B5 - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-02003	-	BLOCK B5 - SECOND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-02004	-	BLOCK B5 - THIRD FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-02005	-	BLOCK B5 - ROOF FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-B5-GA-03000	A	BLOCK B5 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-B5-GA-03001	A	BLOCK B5 - ELEVATIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-BH-GA-02002	A	17TH COLLEGE HEART - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-BH-GA-02003	A	17TH COLLEGE HEART - ROOF PLAN	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-BH-GA-04001	A	17TH COLLEGE HEART - SECTIONS	1:100	A1	Willmore Iles Architects	08-Dec-17
0605-PL-BH-GA-02001	B	17TH COLLEGE HEART - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-BH-GA-03001	B	17TH COLLEGE HEART - ELEVATIONS	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-ALL-SITE-01001	-	SITE LOCATION PLAN - RM SITE	1:1250	A1	Willmore Iles Architects	20-Oct-17
0605-PL-ALL-SITE-01004	-	PROPOSED SITE PLAN	1:500	A1	Willmore Iles Architects	20-Oct-17
0605-PL-ALL-SITE-04001	-	EXISTING SITE SECTIONS	1:500	A1	Willmore Iles Architects	20-Oct-17
0605-PL-ALL-SITE-04002	-	PROPOSED SITE SECTIONS	1:500	A1	Willmore Iles Architects	20-Oct-17
0605-PL-H-GA-02001	A	HUB - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-H-GA-02002	A	HUB - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-H-GA-	A	HUB - ATTIC FLOOR	1:100	A1	Willmore Iles	14-Dec-

02003		PLAN			Architects	17
0605-PL-H-GA-02004	A	HUB - ROOF PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-H-GA-03001	A	HUB - ELEVATIONS	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-H-GA-04001	A	HUB - SECTIONS	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-A1-GA-02000	-	BLOCK A1 - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-03000	-	BLOCK A1 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-04000	-	BLOCK A1 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-02001	-	BLOCK A1 - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-02002	-	BLOCK A1 - SECOND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-02003	-	BLOCK A1 - THIRD FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-02004	-	BLOCK A1 - ROOF PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A1-GA-03001	-	BLOCK A1 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-02000	-	BLOCK A2 - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-03000	-	BLOCK A2 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-04000	-	BLOCK A2 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-02001	-	BLOCK A2 - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-02002	-	BLOCK A2 - SECOND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-02003	-	BLOCK A2 - THIRD FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-02004	-	BLOCK A2 - ROOF PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A2-GA-03001	-	BLOCK A2 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A3-GA-02000	-	BLOCK A3 - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A3-GA-03000	-	BLOCK A3 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A3-GA-04000	-	BLOCK A3 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A3-GA-02001	-	BLOCK A3 - FIRST & SECOND FLOOR PLANS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A3-GA-02002	-	BLOCK A3 - THIRD FLOOR AND ROOF PLAN	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A3-GA-	-	BLOCK A3 -	1:100	A1	Willmore Iles	20-Oct-

03001		ELEVATIONS			Architects	17
0605-PL-A4-GA-02000	-	BLOCK A4 - GA PLANS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A4-GA-03000	-	BLOCK A4 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A4-GA-04000	-	BLOCK A4 - SECTIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A4-GA-02001	-	BLOCK A4 - GA PLANS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-A4-GA-03001	-	BLOCK A4 - ELEVATIONS	1:100	A1	Willmore Iles Architects	20-Oct-17
0605-PL-AH-GA-02001	A	JOHN SNOW HEART - GROUND FLOOR PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-AH-GA-02002	A	JOHN SNOW HEART - FIRST FLOOR PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-AH-GA-02003	A	JOHN SNOW HEART - ROOF PLAN	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-AH-GA-03001	A	JOHN SNOW HEART - ELEVATIONS	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-AH-GA-04001	A	JOHN SNOW HEART - SECTIONS	1:100	A1	Willmore Iles Architects	14-Dec-17
0605-PL-DOC-006	-	SITE PLAN – CONTROLLING SPOT HEIGHTS	1:500	A1	Willmore Iles Architects	20-Dec-17

*Reason: In order to secure a satisfactory form of development in accordance with Policies E5, E5A, E14, E15, E21, E23, E24, H16, EMP3, T1, T10, T19, T20, T21, R1, R2, Q1, Q2, Q4, Q5, Q8, U7, U8A and U14 of the City of Durham Local Plan 2004 and Parts 1, 4, 7, 8, 10, 11 and 12 of NPPF.*

- No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

*Reason: In the interests of the visual amenity of the area having regards to Policy E5 of the City of Durham Local Plan, and Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

- Notwithstanding the submitted information, prior to the occupation of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details of the amount of removal of the hedgerow to Scorer's Lane and other associated works;

- Details of the retention and improvement of the hedgerow to the east site boundary;
- Details of the proposed structure planting scheme to the northern boundary;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management and maintenance of all areas of open space in perpetuity.
- Details of all means of enclosures.

The approved landscaping scheme shall thereafter be fully implemented in accordance with the approved details and timeframes.

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years.

Within the area defined as public/structural landscape space 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 within the area defined as public/structural landscape space will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004, and Parts 7 and 11 of the National Planning Policy Framework.*

4. The development hereby approved shall only be carried out in accordance with the provisions contained within the Construction Management Plan “Interserve Construction Method Statement, 30<sup>th</sup> November 2017”.

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

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 4 and 10 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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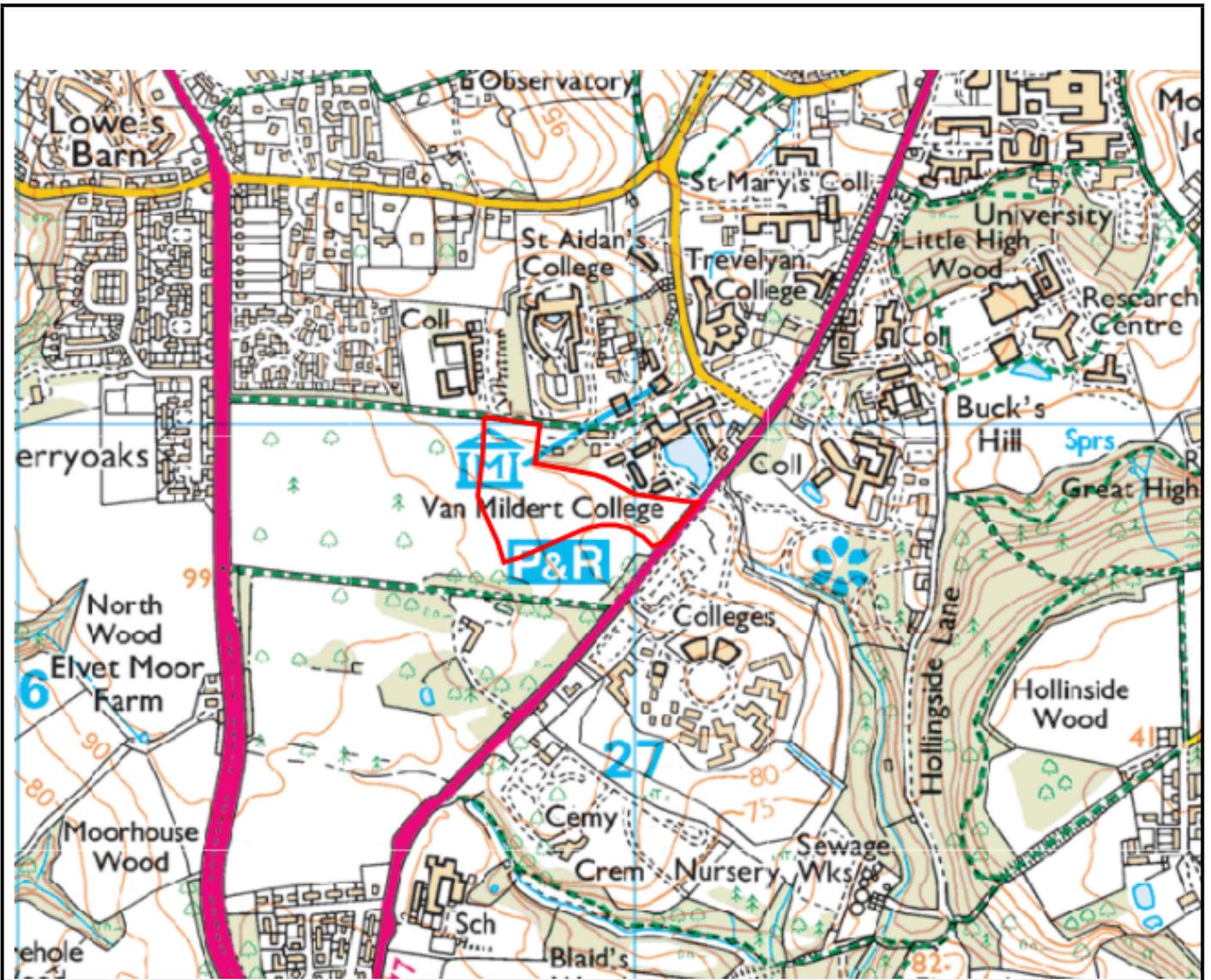
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



**Planning Services**

DM/17/03433/RM

Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of two 500 bed colleges with associated student facilities and university hub building, pursuant to outline planning permission CMA/4/83 (as amended by DM/15/03555/VOC), at Mount Oswald, South Road, Durham

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**Comments**

**Date** December 2017

**Scale** Not to scale

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/03466/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction and operation of a Reserve Power Plant and associated infrastructure
<b>NAME OF APPLICANT:</b>	Mr Davies
<b>ADDRESS:</b>	Land To The East Of Fire Station, Green Lane, Bishop Auckland
<b>ELECTORAL DIVISION:</b>	Shildon and Dene Valley
<b>CASE OFFICER:</b>	Chris Shields, Senior Planning Officer, 03000 261394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application site measures 2ha in area and is located to the south of Bishop Auckland at Fylands Bridge. The site is currently a field used for grazing and is situated immediately to the east of Bishop Auckland Fire Station. The site is accessed from the A688 (Fylands Drive) to the west via an adopted road serving this site, the fire station and the electrical substation to the west. Greenlane Traveller site is located to the south of the site
2. The nearest residential properties to the site are located approximately 60m to the north on Sharnbrow View and 100m to the south on Green Lane Traveller site. There are no heritage assets within the vicinity of the site and the site is not within any ecological or landscape designations. There are no public rights of way within or adjacent to the site. The site is within a Coalfield High Risk Development Area.

### Proposal

3. The proposed development is for the installation and operation of a Reserve Power Plant (RPP) that would generate, store and deliver electrical power to the Grid. The facility would provide balancing services to National Grid to ensure the future security of the country's electricity supply. The development would consist of 10 gas generator sets and 7 transformers, battery storage units, gas kiosk, substation compound and associated cabins, oil storage containers, underground cabling, perimeter fencing and CCTV, acoustic barriers and internal service road.
4. The gas generators would be housed within containers measuring 3.4m wide, 13.5m in length and with a height of 3.4m. Additional equipment would be mounted to the containers, including the exhaust flues which would have a total height from the ground of 7m. The battery containers would measure 2.6m by 16.2m with a height of 2.7m. The gas kiosk would measure 4m by 2.5m with a height of 2.5m. The switchroom

would measure 12m by 3.2m with a height of 3.7m. The oil storage container would measure 4.2m by 2m with a height of 1.9m.

5. The proposed development would provide 20MW of gas generated power and up to 20MWh of battery power. The batteries would be able to provide instant electricity to the grid when demand is required, however, during longer periods of demand the gas engines can be operated.
6. The generator sets would be fuelled by gas that would be fed to site by pipeline from the nearby gas main located in the highway verge at the junction of Fylands Drive and Green Lane. The batteries would be charged with power from the gas engines when there is no demand from the grid.
7. The generator engines would consist of 2MW units and can comprise a general arrangement of 2 generators for each transformer plus two more for the batteries. The generators would be located within individual modular acoustic enclosures, which are constructed of galvanised steel protected by polyester powder coated paint.
8. The proposed development would operate for approximately 3,500 hours per year, which is 40% of the total hours in a year. The generators would operate whenever called upon by the National Grid but as electrical demand is greatest in the morning and early evening this is when the facility would be most likely to be delivering power to the grid. The generator sets would also operate to recharge the batteries as necessary.
9. The proposed compound would be secured by up to a 3.5m high acoustic barrier and 2.4m paladin perimeter fencing, infra-red (non-visible at night), inward facing pole mounted CCTV cameras (2.5m in height) would also be provided at appropriate intervals along the proposed boundary fence.
10. The facility has been positioned centrally within the site in order to maximise distance from the nearest residential properties. Soil resources would be stripped from the development area and retained on site to form a noise attenuation bund to the closest receptors to the north and west. The bund would measure 1.75m high but would also have an additional close boarded timber acoustic fence situated on top of the bund at a height of 1.25m – 1.75m, giving a total acoustic barrier of 3.5m to the north and west. A 3m acoustic barrier would also be provided to the south and east boundaries.
11. This application is being reported to the County Planning Committee as it is classed as a major development.

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## **PLANNING HISTORY**

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12. The site is undeveloped and has no planning history.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

13. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable

development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.

14. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below. The following elements of the NPPF are considered relevant to this proposal;
15. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
17. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
18. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality, flood risk and coastal change, and noise.

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

## LOCAL PLAN POLICY:

Wear Valley District Local Plan (2007) (WVDLP)

20. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
21. *Policy T1 – General Policy – Highways.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.
22. *Policy I2 – New Industrial Allocations.* Sets out land at listed sites, including Fylands, which is allocated for employment uses and the specific type of development that is expected.
23. *Policy I3 – Business/Office Sites.* Provides criteria for the types of development that would not be acceptable on sites allocated for business or office use.

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

## RELEVANT EMERGING POLICY:

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

25. *Highway Authority* – Raise no objection advising that the site access road could accommodate all anticipated vehicular flows.
26. *Environment Agency* – Initially objected due to the proposed annual operating hours for the plant being beyond that which would receive an Environmental Permit. Following discussion with the applicant the Environment Agency reassessed the category of permit that the plant would require and withdrew the objection, stating that the development would now require a Medium Combustion Plant Directive permit and also requested that a condition be imposed requiring that the development be carried out in accordance with the submitted Flood Risk Assessment.

27. *Drainage and Coastal Protection* – Raise no objection provided that outstanding design information relating to surface water management is provided prior to development commencing.
28. *Coal Authority* – Has objected to the proposal as the submitted Coal Mining Risk Assessment does not provide details of mitigation measures. The applicant has subsequently provided agreement to carry out mitigation measures, as necessary but the Coal Authority have not, as yet, responded to the reconsultation.

#### **INTERNAL CONSULTEE RESPONSES:**

29. *Archaeology* – Raise no objection.
30. *Environment, Health & Consumer Protection (Land Contamination)* – No objections are raised. Officers advise that due to the proposed structures on site not having shallow or deep foundations the risk from any mine gas causing issues to the site is low and there is no requirement for a contaminated land condition.
31. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections subject to a condition being imposed that ensures the noise mitigation works proposed are carried out on site.
32. *Environment, Health & Consumer Protection (Air Quality)* – Raise no objections noting that the maximum modelled level of carbon monoxide at nearest residential dwellings is well below 10% of the short term air quality objective. Advice is also provided on the requirement for an Environmental Permit.
33. *Landscape* – No objections are raised and it has been agreed that a landscaping scheme would be agreed through condition that would include 16 heavy standard trees to strengthen the northern boundary of the site.
34. *Ecology* – No objections are raised although a condition is requested to secure a habitat creation and management plan for biodiversity enhancement on site.

#### **PUBLIC RESPONSES:**

35. The application has been advertised by means of individual notification letters, site notice and press notice. Two letters of objection have been received from neighbouring residents. The issues raised include noise, traffic from construction and maintenance of the development, impact on wildlife and ecology, potential pollution of the watercourse, impacts of health from emissions and dust, devaluation of properties, loss of greenbelt and increase in flooding to waterways. It is also suggested that the development should be located on South Church Industrial Estate.

#### **APPLICANTS STATEMENT:**

36. The National Grid experiences large fluctuations of electricity demand throughout the day and throughout different times of the year. During periods of high demand, the National Grid aim to increase supply to maintain a 20% margin which is essential in seeking to eliminate, as far as possible, the risk of power shortages and blackouts, when there is an unexpected change in demand, or a sudden loss of supply. Historically, conventional power stations could be operated with some certainty. However, as the UK moves towards a more environmentally sustainable energy supply system, with an increase in renewable energy sources, there is an increased risk of electricity supply fluctuations, depending on prevailing weather conditions, and therefore an increased need for Reserve Power Plants (RPP).

37. RPPs are a simple and reliable way of providing relatively large amounts of electricity to the distribution network in a very short space of time. And therefore, the proposed development will be part of a network to ensure there is sufficient electricity available on the Grid as the UK increases its renewable energy generation and makes the transition to a lower carbon energy supply system.
38. The proposed site is located next to an existing substation, into which the RPP will connect. The proposed development will operate for approximately 3,500 hours per year, which is 40% of the total hours in a year. The generators will operate whenever called upon by National Grid.
39. The scale and mass of the RPP is much smaller than that of the adjacent fire station and the application site is designated as a new industrial allocation for a business park use. However, since the adoption of the Local Plan in 1997, only the fire station has been developed on part of the designation. As the application site has been vacant for 20 years it is clear that marketability for offices and research development on the site has not been attractive.
40. The environmental assessments that have been undertaken, especially noise and air quality, demonstrate that the proposed facility (with mitigation) will not have adverse effects on identified receptors. Furthermore, key landscape features will be retained and managed and enhanced as part of the proposal such as boundary trees and hedgerows.
41. As the majority of the application site will continue to have a permeable surface, there will be limited impact on the site's hydrology.
42. Given the relatively small scale of the proposal there will be no adverse effect on visual amenity or local landscape. The proposal will increase biodiversity of the site from the existing conditions through the provision of a low maintenance grassland and additional tree and scrub planting rather than arable crops.
43. The proposed facility will use an existing access from the public highway. Traffic generation will be minimal once operational as the facility is autonomously operated, requiring only weekly maintenance visits.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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44. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, landscape, access and traffic, residential amenity, flooding and drainage, ecology and other issues.

## Principle of Development

45. 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 Wear Valley District Local Plan (WVDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
46. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
47. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
  - approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii. specific policies in this Framework indicate development should be restricted.
48. The key policies for the determination of this application are WVDLP Policies I2 (New Industrial Allocations) and I3 (Business/Office Sites). The site is allocated within the WVDLP as being suitable for Business Park. WVDLP Policy I3 sets out uses that would be considered inappropriate on a Business Park site and these include B2, B8, retail uses, scrapyards, mineral storage, car sales, petrol sales and lorry parks. The proposed use for the siting of generators and batteries would be classed as sui generis and therefore would not conflict with Policy I3. The consideration therefore falls to whether a sui generis use is acceptable on the Business Park allocation. Objectors have stated that the proposal would lead to the loss of Green Belt land. Whilst the site is currently green field it is allocated for employment use and therefore the principle of developing the land has already been established and it is just the specific type of development that needs to be considered. For clarity there is no Green Belt designation in Bishop Auckland.
49. WVDLP Policy I2 is considered to be partially consistent with the NPPF as many of the sites allocated for employment use by this policy have been recommended for deallocation through the Employment Land Review (ELR) 2012 due to a lack of interest in the land from business. The ELR forms part of the evidence base for local plan drafting purposes.
50. The Fylands business park allocation is assessed with the ELR (2012) as being poor with the commentary noting that site constitutes a green field that has remained undeveloped bar a new fire station. Despite its location within Bishop Auckland it has not been attractive in bringing in employment uses onto the site. The site may be suitable for light industrial uses however there are flood risk issues.

51. The only development that has actually occurred on the Fylands business park site to date is the construction of Bishop Auckland Fire Station, and there was no development at all within the Plan period to 2006.
52. The proposed development is designed around the areas of the allocated land with the potential to flood and makes full use of the remaining space adjacent to fire station. The recommendation in the ELR (2012) to deallocate the site is a clear indication that other business is unlikely to take up the site and, as set out in Paragraph 22 of the NPPF, the site should not be protected indefinitely from alternative uses. Notwithstanding this, the proposal would not conflict with WVDLP Policies I2 or I3 and is considered to be acceptable in principle.

## Landscape

53. Paragraph 109 sets out key areas for conserving and enhancing the natural environment. This is reflected in WVDLP Policy GD1, which seeks to resist development that would have a significant adverse impact on the character of the landscape and promotes the restoration or enhancement of the landscape where possible.
54. The application site is located on the southern edge of the developed area of Bishop Auckland with the River Gaunless acting as a natural barrier between the town and the open countryside beyond to the south. The site is currently a green field used informally for grazing of horses. It is bounded to the south by a low embankment for the Barnard Castle & Bishop Auckland railway, which has a hedgerow for most of its length. To the north the site is screened by the structure planting on the southern edge of the Bishop Auckland bypass and an internal hedgerow at approximately 1m in height. The site is fully screened to the west by the fire station and although there are no viewpoints of the site from the east the site is distantly screened by a small area of woodland.
55. The design and appearance of the development would be entirely utilitarian with most elements housed within containers, kiosks or cabins. Full details of colours and finishes would be agreed through condition.
56. The proposal would incorporate a 3m high security fence around the periphery of the developed area. Immediately within the security fence there would be a 1.75m high soil screening mound (1 in 3 slope) around the north, east and west sides of the gas generators with a 1.25 – 1.75m high acoustic fence on top. The generator containers would therefore be fully screened from views to the north apart from the exhaust.
57. A landscape assessment showing potential visual receptors and mitigation plan proposing tree planting on the northern boundary have been submitted in support of the application. Landscape officers have considered the proposal and requested that the hedgerow to the site be managed to a height of 2.5m and that the tree planting on the northern boundary be increased from 7 to 16 contained within an 8m wide by 35m long stock proof enclosure.
58. Subject to a condition requiring the submission of a landscaping scheme it is considered that the proposal would have minimal harm to the landscape and would deliver some improvements to the site. The proposal would therefore accord with WVDLP Policy GD1 and Part 11 of the NPPF. Policy GD1 is considered to be consistent with the NPPF and therefore afforded full weight.

## Access and Traffic

59. Paragraph 32 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. WVDLP Policy T1 requires developments generating additional traffic to provide adequate access, not exceed the capacity of the local road network and be capable of access by public transport networks. The requirements of Policy T1 are largely mirrored in the criteria set out in Policy GD1. Policy T1 is considered to be partially consistent with the NPPF as it does not set out the requirement for a Transport Statement or Transport Assessment and the NPPF only seeks to restrict development that would result in a severe transport impact and so is afforded some weight in the decision making process. Policy GD1 is considered consistent with the NPPF in this respect and therefore afforded full weight.
60. The proposed site is served by an adopted highway leading from the A688, and which serves the Community Fire Station. This route is used for both emergency and non-emergency movements. The A688 junction has a 'ghost island' right turn arrangement where right turning vehicles exiting the A688 may wait. The access would be used for construction of the facility and ongoing maintenance. Traffic generated by construction would consist of approximately 93 deliveries, at a typical rate of 2 or less deliveries per day. This would result in 4 HGV movements per day (2 in and 2 out) plus private vehicles for construction workers.
61. Local residents objecting to the proposal have stated that traffic from the development would interfere with emergency vehicles from the fire station and that traffic levels are already severe in the area.
62. Highways Officers have considered the proposal and commented that the proposed facility will likely have very modest vehicular flows once operational and the access road can accommodate all anticipated related movements. In addition, there are several bus stops within 500m of the site, should the workforce wish to utilise public transport.
63. Whilst the development would generate a degree of construction traffic it is relatively small for the size of the site with a negligible daily flow. Following the construction the site would be unmanned and would only be attended occasionally for maintenance purposes. A condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. Subject to this condition the proposal is considered to accord with WVDLP Policies GD1 and T1 and Part 4 of the NPPF.

## Residential Amenity

64. The nearest residential properties to the site are located approximately 60m to the north on Sharnbrow View and 100m to the south on Green Lane Traveller site. Objections have been received from properties on Green Lane approximately 240m to the west of the site. Issues raised in respect of amenity are noise and harm to health from dust and emissions.
65. Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the effects of pollution on health, general amenity and the potential sensitivity of the area to adverse effects from pollution. WVDLP Policy GD1 requires that development should not be

detrimental to public health and not significantly pollute the environment with dust, noise, emission, outfall or discharges of any kind.

66. The proposed gas generators for the site have the potential to cause pollution through noise and exhaust emissions. The application is therefore supported by air quality and noise assessments. The air quality assessment considers the baseline conditions for the site and provides maximum (worst case) predictions for emission outputs for the site. This is then assessed against local air quality objectives and long and short term impacts on human health. The air quality assessment concludes that impacts due to the operation of the proposed development would be insignificant. Environmental Health officers have considered the proposal and air quality assessment and agree that the development would have an acceptable impact.
67. The noise assessment considers the baseline conditions for the area and provides predictions for the operation of the proposed plant, including generator and battery storage units, transformers and gas kiosk, for the site and construction noise over a period of 4 to 6 months. The assessment considers the impact of the development on the nearest noise sensitive properties and provides a range of mitigation measures for attenuating noise levels from construction and operation of the site. These include containerising the gas generators and providing acoustic fences and mounds around the site. Environmental Health officers have considered the proposal and noise assessment and have stated that the development would be acceptable provided that the mitigation measures set out in the noise assessment are controlled by condition.
68. Subject to the imposition of a condition requiring noise mitigation measures to be implemented on site it is considered that development would accord with amenity protection criteria set out in WVDLP Policy GD1 and Paragraph 120 and Part 11 of the NPPF.

#### Flooding and Drainage

69. Part 10 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 11 of the NPPF takes account of the impact of any development upon the natural environment. WVDLP Policy GD1 seeks to ensure that development is not sited on an identified floodplain or an area at risk from flooding.
70. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site has a minimum ground level of 91m Above Ordnance Datum (AOD) and is located adjacent to the River Gaunless. The area of the site proposed to be developed is all within Flood Zone 1. The FRA identifies that due to the ground level the risk of groundwater flooding from 1 in 100 and 1 in 1000 year flood events would not be significant. Equally, the risk of flooding from surface water flooding is also deemed to be not significant.
71. Local residents have suggested that the proposal could lead to increased flooding and pollution of the watercourse. Drainage and Coastal Protection officers have considered the proposals and although no objections have been raised it is noted that the application does not provide details of surface water management measures and it is requested that these details be secured by condition.
72. The Environment Agency has also raised no objections to the proposal and request that conditions be imposed requiring that the development is carried out in accordance with the submitted FRA and the mitigation measures contained therein; that the topography of the site is not altered and all construction to take place on ground above 91m AOD and only in Flood Zone 1.

73. Subject to the proposed conditions being adhered to, the proposed development would not lead to increased flooding and the site would be out of the floodplain area. The proposal is therefore considered to be in accordance with WVDLP Policy GD1 and Part 10 of the NPPF with regards to flood risk.

## Ecology

74. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(1) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.
75. Paragraph 109 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 118 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. WVDLP Policy GD1 requires that development does not endanger or damage important national and local wildlife habitats or have a detrimental impact on the ecology of the District.
76. A Preliminary Ecological Appraisal has been submitted in support of the application. This appraisal assess the site to have a negligible ecological value, with no protected species found on the site and none anticipated to be found in the current state of the land. No further ecological surveys were proposed and the appraisal concludes that the proposal is likely to have a negligible ecological impact and therefore there is no requirement to obtain a licence.
77. Local residents have raised concern that the proposal would be harmful to the wildlife an ecology of the area. Ecology officers have considered the proposal and appraisal and whilst agreeing with the negligible impact on protected species they are keen to ensure that the scheme delivers biodiversity enhancement. It has been agreed with the applicant that areas of the site not being developed would be subject to landscaping and planting scheme centred around meadow tussock grassland. This would be delivered through a condition requiring the submission and implementation of a habitat creation and management plan.
78. Subject to the biodiversity enhancements being carried out it is considered that the proposal would create biodiversity enhancement to the site and would therefore accord with WVDLP Policy GD1 and Part 11 of the NPPF.

## Other Issues

79. The site is located within Coal Mining High Risk Development Area. A Coal Mining Risk assessment has submitted in support of the application and this was assessed by the Coal Authority as being insufficient as it does not provide details of mitigation measures. The applicant has subsequently provided agreement to carry out mitigation measures, as necessary but the Coal Authority have not, as yet, responded to the reconsultation. In order to resolve this issue it is recommended that a condition be

imposed requiring the mitigation measures to be agreed and implemented prior to the commencement of development. Provided that this is carried out the development would accord with Paragraphs 120 and 121 of the NPPF.

80. Local residents have commented that the proposal would impact upon house values. The perceived impact that a development would have upon property values is not a material consideration that should be taken into account when determining a planning application. It has also been suggested that the development should be located on South Church Enterprise Park, however, it is not possible to speculate upon alternative sites and it must only be considered whether the proposed site is acceptable.
81. The proposal is of a type that would be subject to a permit required through the Environmental Permitting (England and Wales) Regulations 2010 which would regulate issues at the site relating to pollution control. There are powers to enforce should this not be complied with. The operator would require a Medium Combustion Plant Directive (MCPD) permit from the Environment Agency, complete with MCPD emission limit values, before operations can commence.

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## **CONCLUSION**

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82. The proposed development would provide a peaking power generation facility that would support centralised power stations by responding quickly to peak electricity demand. Going forward this would assist in providing a stable and reliable National Grid for both local and national requirements.
83. The proposal would make use of an underdeveloped employment allocation in close proximity to an electrical substation. Whilst utilitarian in appearance the proposal would be well screened both visually and acoustically from noise sensitive receptors. In addition, agreement has been sought to provide biodiversity enhancement to the site through the sowing and management of a species rich grassland.
84. It is considered that the proposal would accord with WVDLP Policies GD1 and T1 and would not conflict with Policies I2 and I3. Whilst the ELR has recommended that the Fylands Business Park be deallocated in future development plan documents it is, for now, still designated for industrial/employment uses.
85. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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

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

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

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

- Drawing No. SRE1067/18/02 'Proposed Site Extent'
- Drawing No. SRE1067/18/03 'Proposed Site Layout'
- Drawing No. SRE1067/18/04 'Indicative Gas Kiosk Elevations'
- Drawing No. SRE1067/18/05 'Indicative Transformer Elevations'
- Drawing No. SRE1067/18/06 'Proposed Paladin Security Fence'
- Drawing No. SRE1067/18/07 'Indicative Gas Generator Elevations'
- Drawing No. SRE1067/18/11 'Indicative Lube Oil Storage Container Elevations'
- Drawing No. SRE1067/18/08 'Indicative Switchroom Elevations'
- Drawing No. SRE1067/18/09 'Indicative Battery Container Elevations'
- Drawing No. SRE1067/18/10 'Indicative Battery Component Elevations'
- Drawing No. SRE1067/18/12 'Indicative DNO Substation Elevations'
- Flood Risk Assessment (FRA) October 2017
- Preliminary Ecological Appraisal September 2017
- Noise Impact Assessment for Reserve Power Plant October 2017

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

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

*Reason: To prevent the increased risk of flooding from any sources in accordance with the Part 10 of the National Planning Policy Framework.*

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2017 / KRS.0297.004.R.001.A / KRS environmental and the following mitigation measures detailed within the FRA:
  - Topography of the site is not to be altered.
  - All construction to take place on ground above 91.0 m Above Ordinance Datum and only in Flood Zone 1.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required and to reduce the risk of flooding to the proposed development and operators in accordance with Wear Valley District Local Plan Policy GD1 and Part 10 of the National Planning Policy Framework.*

5. The development must be carried out in accordance with the noise mitigation measures set out in approved document 'Noise Impact Assessment for Reserve Power Plant October 2017'

*Reason: To ensure residential amenity is protected from noise pollution in accordance with Wear Valley District Local Plan Policy GD1 and Part 11 of the National Planning Policy Framework.*

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

*Reason: In the interests of residential amenity and highway safety in accordance with the Wear Valley District Local Plan Policy T1 and Part of the National Planning Policy Framework).*

Prior to the commencement of development a scheme of measures sufficient to mitigate the coal mining risk of the site shall be submitted to the Local Planning Authority for approval in writing. The agreed measures shall then be implemented on site prior to the construction of the development hereby approved.

Reason: To ensure that coal mining risk is minimised in accordance with Paragraphs 120 and 121 of the National Planning Policy Framework.

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

*Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity (Wear Valley District Local Plan Policy GD1). Required to be pre-commencement in order to assess the appearance of the development.*

8. Prior to the commencement of development a habitat creation and management plan for the site shall be submitted to the Local Planning Authority for approval in writing. The plan shall incorporate the following:

- Seed specification for Meadow Tussock Grassland
- Long term management over the lifetime of the development including cutting on a three year cycle; the site placed into three management compartments with one compartment per annum cut with the arisings removed off site.
- Patches of scrub planting with 'scattered scrub' amounting to approx. 20% of the area.
- Monitoring reports to be submitted at years 1, 2, 5 and 10 to ensure that the habitat creation and management have been delivered effectively.

The approved plan shall then be implemented in the first available planting season following the development being brought into use and complied with thereafter.

*Reason: To provide biodiversity enhancements in accordance with Part 11 of the National Planning Policy Framework. Required to be pre-commencement in order to inform the development of the site.*

9. Prior to commencement of development details of a landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use.

*Reason: In order to provide landscape enhancement and screening for the development in accordance with Wear Valley District Local Plan Policy GD1 and Part 11 of the NPPF. Required to be pre-commencement in order to inform the development of the site.*

10. In the event that the gas generators and battery storage are inoperative for a period of 6 months or longer the development hereby approved shall be removed and the site restored to green field.

*Reason: In the interests of visual amenity and pollution prevention in accordance with Wear Valley District Local Plan Policy GD1 and Part 11 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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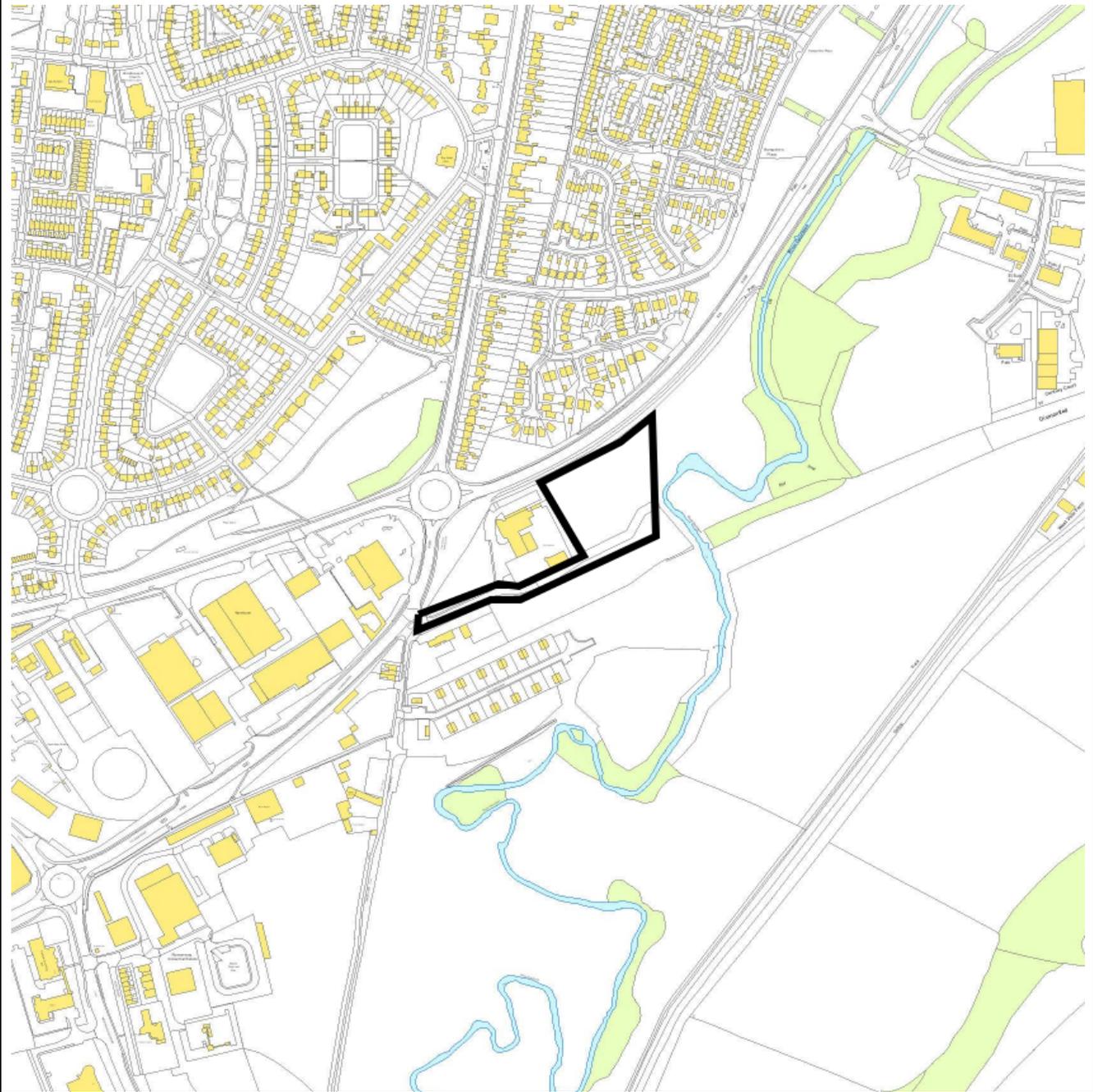
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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



**Planning Services**

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DM/17/03466/FPA

Construction and operation of a Reserve Power Plant and associated infrastructure on land to the east of Fire Station, Green Lane, Bishop Auckland

**Comments**

**Date** January 2018

**Scale** NTS