

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/19/02546/FPA
FULL APPLICATION DESCRIPTION:	Erection of 60 dwellings with associated access, infrastructure and landscaping
NAME OF APPLICANT:	Chapter Homes
ADDRESS:	Site Of Former Gilesgate Comprehensive School, Bradford Crescent, Gilesgate, DH1 1HN
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located off Bradford Crescent in Gilesgate. The site was formerly occupied by Durham Free School which closed in March 2015, with the buildings subsequently demolished the following year. The site is roughly square in shape and extends to approximately 2.45ha of scrubland and unmanaged grassland. Part of the site was previously used as sports pitches including tennis courts and a multi-use games area (MUGA) associated with the school. With regards to topography, the site is relatively level with only around 3m between the site's highest and lowest points.
2. Trees and hedgerows are typically restricted to the site's southern, eastern and western boundaries although there are a couple of small groups and some individual trees within the centre of the site.
3. Residential properties bound the site to the south/south-west, north-west and partially lie along its northern border. To the east lies Durham Gilesgate Primary School. There is a triangular shaped area of land to the north which accommodates the playing field/pitches associated with the former school use. A public right of way (Bridleway No.114 (Durham City)) runs between properties within Abbot's Row/Friar's Row to the north and Bradford Crescent to the south which extends into the application site before terminating partway through the retained access route into the site.
4. The site is located 400m to the south of Frankland and Kepier Woods Local Wildlife Site. Durham (City Centre) Conservation Area, containing a number of listed buildings, is located approximately 460m to the southwest. There are no landscape designations within or immediately adjacent to the site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1.

## The Proposal

5. The application seeks full planning permission for the erection of 60 dwellings. The proposal includes 9no. two, 23no. three and 22no. four bedroomed two storey properties and 6 no. two bedroomed bungalows, all of which come in a mix of detached, semi-detached and terraced options. The materials palette proposed includes three different red multi bricks, a tiled roof in either red, terracotta or grey and artstone heads and cills. Windows and doors are proposed to be white UPVC and anthracite grey, respectively. The proposal includes 25% affordable housing provision comprising of 9no. two bedroomed houses and 6no. two bedroomed bungalows which would be dispersed across the site. All properties feature off-street parking and enclosed rear gardens.
6. Access into the site would be taken off Bradford Crescent through an existing access point which formerly served the school. The plan indicates that amenity open space would be provided either side of the entrance, along the western-most edge and the northern-most corner, which also incorporates the SUDS basin. A number of existing trees internal to the development would need to be removed to facilitate the development. A landscape scheme has been submitted which proposes additional tree planting.
7. The application is being reported to the Central and East Area Planning Committee as it constitutes a major residential development proposal on a site less than 4ha and comprising of less than 200 dwellings.

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## PLANNING HISTORY

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8. A number of planning permissions were granted relating back to when the site was in use as Durham Gilesgate Comprehensive School. These include the provision of new outdoor multi-sport area together with floodlighting (4/92/0026/FP), the erection of floodlighting and replacement fencing to tennis courts and the upgrading of the playing surface (8/928/4/50(8)), the extension of the sports hall and the formation of a floodlit athletics track (8/928/4/50(9)) and the refurbishment of the school hall (4/05/00592/CM).
9. Prior notification for the demolition of the school buildings was not required (DM/16/00078/PND) with the works taking place in 2016.

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## PLANNING POLICY

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### NATIONAL POLICY

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

The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

12. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

20. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; 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)**

24. *Policy E6 - Durham City Conservation Area*. Sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
25. *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.
26. *Policy E15 – Provision of New Trees and Hedgerow*. Encourages tree and hedgerow planting including in urban fringe areas.

27. *Policy E16 – Protection and Promotion of Nature Conservation.* Seeks to protect and promote nature conservation.
28. *Policy E21 – Conservation and Enhancement of the Historic Environment.* States that the historic environment will be preserved and enhanced by minimising adverse impacts by development proposals.
29. *Policy E22 – Conservation Areas.* Seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
30. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from their setting.
31. *Policy E24 – Ancient Monuments and Archaeological Remains.* Seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
32. *Policy H2 - New Housing within Durham City.* States that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.
33. *Policy H12 – Affordable Housing.* States that on sites of 25 or more dwellings or 1ha or more in size a fair and reasonable proportion of affordable housing will be provided.
34. *Policy H12A – Type and Size of Housing.* States that the type and size of dwellings will be monitored and where appropriate negotiation will take place with developers to provide the right housing types and sizes to ensure balance.
35. *Policy H13 – Residential Areas - Impact upon Character and Amenity.* Protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
36. *Policy T1 – Traffic Generation – General.* States that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.
37. *Policy T5 – Public Transport.* The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
38. *Policy T10 – Parking.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
39. *Policy T21 – Walking.* States that existing footpaths and public rights of way should be protected.
40. *Policy R1 – Provision of Open Space.* Seeks 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.

41. *Policy R2 – Recreational and Amenity Space in New Developments.* States that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development.
42. *Policy R3 – Protection of open Space used for Recreation.* States that development which would result in the loss of an area of open space currently used for recreation and leisure pursuits will not be permitted unless it is for new or improved facilities related to the use of the existing area for outdoor recreation, or it involves a small part of a larger recreational area which by doing so will bring about the enhancement of the remainder, or an alternative area of at least equivalent community benefit/value will be provided locally, or its loss will not prejudice the overall standard of open space for outdoor recreation within the immediate area as set out in policy R1.
43. *Policy R4 – Protection of Open Space Used for Recreation.* States that development of land (including playing fields) within school or other education establishment grounds which has been declared surplus to requirements which will be permitted provided that it is not likely to be required for educational or community purposes within the future, it will not reduce the overall standard of open space for outdoor recreation in the area as set out in policy R1 and in the case of land of sport and recreational value to the community its development is in accordance with policy R3.
44. *Policy R11 – Public Rights of Way and Other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from the development which would result in their destruction or diversion.
45. *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.
46. *Policy Q4 - Pedestrian Areas.* Requires that pedestrian area should be laid out and designed with good quality materials in a manner which reflects the street scene.
47. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
48. *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.
49. *Policy Q15 – Art in Design.* Encourages the provision of artistic elements within new development.
50. *Policy U5 – Pollution Prevention – General.* States that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.

51. *Policy U7 – Pollution Prevention – Development Sensitive to Pollution.* Developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
52. *Policy U8A – Disposal of Foul and Surface Water.* Requires all new development to have satisfactory arrangements for foul and surface water disposal.
53. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas are unavailable; that no unacceptable risk would result; that no unacceptable risk would result elsewhere; or that appropriate mitigation measures can be secured.
54. *Policy U11 - Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
55. *Policy U13 - Development on Unstable Land.* This policy states that development will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability or that satisfactory remedial measures can be undertaken.
56. *Policy U14 – Energy Conservation \_ Renewable Resources.* The council will encourage the effective use of passive solar energy and the reduction of wind-chill in the layout, design and orientation of buildings, and the use of energy efficient materials and construction techniques.

#### **EMERGING PLAN:**

The County Durham Plan

57. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 4<sup>th</sup> December 2019. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

58. *Belmont Parish Council* – Whilst having no wish to oppose the approval of this application would raise comments and observations in relation to affordable housing, education provision, drainage, trees, the construction management plan, traffic and open space.
59. *Highway Authority* – The site access and traffic impacts are set out in the TS and are acceptable. The layout of the scheme has been amended to address earlier comments. Driveway lengths are difficult to check on 1:500 scale plans but that issue will be addressed at the S38 stage where adoption will not proceed if overhang of footways could occur. The lack of visitor parking distribution should be considered in the planning balance for this application.



60. *Drainage and Coastal Protection* – No objections on the basis providing a condition is imposed to ensure the development is carried out in accordance with the agreed scheme.
61. *Coal Authority* – No objections as the content and conclusions within the Phase 2 Site Investigation in conjunction with the site investigation works undertaken and the proposed layout are sufficient to demonstrate that the application site is safe and stable for the proposed development.
62. *Sport England* – Object to the development on the grounds that the proposal is contrary to Sport England's Playing Field Policy and paragraph 97 of the NPPF on the basis that it would result in the loss of playing field with no adequate mitigation. Sport England place emphasis on their statutory consultee role and the weight to be attributed to their comments. The application should therefore be referred to the Secretary of State if resolution is for approval.

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

63. *Spatial Policy* – The site is located within the settlement of Durham City. The application falls to be determined in accordance with the provision of Paragraph 11d of the NPPF. The site has been assessed through the SHLAA and was deemed suitable (green – proposed allocation within the CDP) for housing. The proposal will provide help provide a wider range of housing choice for the varying ages and householder types of the local population, and re-use previously-developed land. There are, therefore, no policy objections to the principle of developing this site for housing.
64. *Archaeology* – The geophysical survey indicates that site has been heavily disturbed and no further work is required.
65. *Compliance and Monitoring* – No objection or concerns with the proposed mitigation measures contained within the Construction Management Plan.
66. *Design and Conservation* – No objections are raised in relation to heritage impacts. The proposed development responds to the existing site features and wider residential area. The proposed layout creates a sense of arrival at the site entrance and generally well-defined streets. The scheme has been amended in accordance with earlier advice most notably at the entrance so that more trees are retained, corner turning units have been introduced to the majority of prominent junctions within the site and the layout seeks to break up parking areas. No objections from a design perspective.
67. *Ecology* – Raise no objection subject to securing a financial contribution and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity. Therefore, a contribution of £14,750 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Conditions relating to the adherence to the recommendations outlined within the ecology report, a detailed landscaping scheme and maintenance regime to be agreed.
68. *Environment, Health and Consumer Protection (Air Quality)* – It is considered the dust suppression measures and the monitoring (Daily visual inspections with a weekly formal inspection) set out in the Construction Management Plan are proportionate to the assessed risks identified. No concerns or objections are raised in regards to the operational phase of the development with the impact of the proposed development including its associated vehicular movements deemed insignificant.



69. *Environment, Health and Consumer Protection (Pollution Control)* – No objection subject to the imposition of conditions to ensure specific noise levels are achieved and adherence to the submitted construction management plan.
70. *Environment, Health and Consumer Protection (Contaminated Land)* – Agree with the recommendations within the Phase 2 and ground gas assessments. Raise no objection subject to conditions to secure a Phase 3 remediation strategy and Phase 4 verification report. They also recommend an informative relating to unforeseen contamination.
71. *Housing Delivery* - Advise the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. There is a higher demand for bungalow accommodation in comparison to neighbouring areas. A quarter of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons. This site is in an area which has a very high demand for affordable rented properties in comparison to neighbouring areas. It is advised that affordable housing should be dispersed throughout the development to avoid a concentration in one area of the development. This should be in small clusters of housing rather than single units pepper potted through the development. Information will need to be provided on the open market value of all affordable properties for the price to be discounted to an affordable level. Further discussion with the team would be welcomed. The submitted plan shows the type and location of the affordable housing to be provided which meets the requirements of the local area. No objection is raised.
72. *Landscape* – Acknowledge that the revised layout improves on the original as trees now retained to the site entrance would create a suitable gateway feature. The proximity of these now retained trees to the garden of plot 60 may cause future conflict. The Tree Protection Plan must be strictly adhered to throughout the development. The loss of one or two units or their substitution elsewhere may achieve a more sustainable design. The detailed landscape scheme is considered to be acceptable although the specification of larger tree irrigation systems needs to be provided.
73. *Landscape (Arboriculture)* – A number of high and moderate including some low value trees and groups are proposed for removal to facilitate the development. The layout has been amended which allows the retention of more trees at the entrance to the site however the proximity of the trees to the garden of plot 60 may cause future conflict. The trees and hedges that are to remain should be adequately protected prior to development. The protection measures outlined in the AIA of the report are considered to be acceptable and should be secured by condition. Whilst the tree and shrub species as shown on the detailed landscaping plan are satisfactory no planting systems are in place where trees are planting close to hard standing.
74. *Public Rights of Way* – Public Bridleway no.114 Durham City lies through the south west corner of this site. The scheme has been amended so that there is no obstruction to the bridleway route.
75. *School Places Manager* – It is considered that the development is likely to produce 18 primary pupils and 8 secondary pupils. Whilst there is sufficient capacity at the local primary schools there is insufficient capacity at the local secondary schools to accommodate this need. Consequently, a contribution of £132,432 would be required for the provision of additional teaching accommodation.
76. *Sustainability* – No significant concerns pertaining to the development of this site. The Council expects this scheme to improve upon Part L 2013. The applicant will also be aware that it is a requirement of Part L Regulation 25A that consideration of high efficiency alternative systems for new buildings must be considered. This should be secured by condition.

77. *Sustainable Travel* – No comments have been received in relation to public transport, walking and cycling. Due to the scale of the development a travel plan is not required.

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

78. *North Durham Clinical Commissioning Group* – Based on a standard approach to costing the impact of additional housing growth a financial contribution of £28,980 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective.
79. *Police Architectural Liaison Officer* – The development seems well designed from a designing out crime point of view, with visitor parking, natural surveillance, cul de sac layout and rear gardens backing onto other rear gardens. It is requested that the scheme is amended to either remove private shared drives or ensure that they are well lit, remove unnecessary footpaths and to ensure footpaths that are proposed are well lit and avoid hiding spaces or dense shrubbery.
80. *Northumbrian Water Limited* – No objections on the basis providing a condition is imposed to ensure the development is carried out in accordance with the agreed scheme.
81. *The Ramblers Association* – No comments received.

#### **PUBLIC RESPONSES:**

82. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. 1no. letter of objection has been received. 5no. letters have been received which raise queries and observations in relation to the development.
83. The main concerns and queries raised by the objector and other respondents are summarised as:
- Highway safety concerns surrounding the adequacy of the access especially as there is only one way in and out of the estate.
  - A mine shaft is present on site.
  - Due to the damage caused to the drainage system through the demolition of this site there is considerable subsidence to the adjoining resident's garden.
  - Loss of a number of well-established trees which are rated as being of either moderate or high value. These trees provide a habitat for local wildlife.
  - Queries regarding which trees are due to be removed, whether the footpath between Bradford Crescent and Monks Crescent will be kept open during the development works, the impact that the development will have on their boundary and the separation distances between the existing and proposed development.
  - Urge that utmost importance is given to improving the drainage with history of drainage issues cited.
  - The Council has declared a climate emergency therefore it is disappointing to see that this has not been addressed within the submission.
  - Concerns regarding the accuracy and carelessness of the submission as some of the supporting documents incorrectly refer to the site as the former Gilesgate Primary School.

84. *The City of Durham Trust* - supports the redevelopment of this site for housing given it is currently overgrown, it lies within a sustainable location, it will provide family homes close to the city centre and the 25% affordable provision is welcomed. They do however express some reservations about the small size of most dwellings, the loss of trees and the carelessness of some of the accompanying reports.
85. *Gilesgate Resident's Association* – It is expected that residents will be neutral towards this development, but may have environmental and transport concerns, particularly regarding the lack of parking on the proposed development. A full response will be submitted once that the application has been discussed at a Public Meeting of Gilesgate Residents Association on Saturday 14 September 2019.

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

#### **APPLICANTS STATEMENT:**

86. An applicant's statement has not been provided.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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87. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, playing fields, highway safety and access, landscape impact, layout and design, residential amenity, ecology, flooding and drainage, heritage and archaeology, infrastructure and public open space, affordable and accessible/adapted housing, planning obligations and other matters.

#### **The Principle of the Development**

88. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
89. The CDLP was adopted in 2004 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
90. Policy H2 of the CDLP supports new housing development within Durham City comprising windfall development of previously developed land provided there is no conflict with particular policies of the plan and the site is not allocated or safeguarded for an alternative use.

The site which is the subject of this planning application is located wholly within the defined settlements limits of the City of Durham, relates to a previously developed site and is not allocated. As a result, the proposal is considered to draw support in principle from Policy H2. However, being a former school site, consideration must be given to the acceptability of the loss of land previously used for sport and CDLP Policies R1, R3 and R4 relate and this matter is discussed in detail elsewhere in the report.

91. Given the age of the CDLP and housing requirement figures that informed it, several housing chapter policies including Policy H2, do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to these policies reduced as a result.
92. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
  - c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
93. The site has been considered within the Council's Strategic Plan Availability Assessment (SHLAA) (ref:4/DU/157) and has a suitable (green classification) on account that the site is considered to well contained within the settlement and has good link to services and facilities. The outcome of the assessment makes reference to the fact that the site has been declared surplus to educational requirements. Durham Free School which formerly occupied the site closed in March 2015 and the buildings were demolished the following year. The requirements of CDLP Policy R4 are, therefore, considered to have been satisfied with regards to the loss of the school building. The implications for playing fields will be addressed later within the report.
94. As set out above, it is considered that there are saved policies within the CDLP which provide a framework to assess the principle of the development, and that the proposals would accord with. For the purposes of Paragraph 11(d), there are considered to be policies most important for determining the application which are out of date and, therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF, as above.
95. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this former assessment can only be considered following an examination of all of the issues within the planning balance.

96. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
97. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' County Durham Plan (CDP) was subject to consultation in January 2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is, therefore, 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
98. In a written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the NPPF. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied Paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
99. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
100. To summarise, the Council's position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

#### **Locational Sustainability of the Site**

101. CDLP Policies Q2 and T5 advises that the council encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport. These policies are considered consistent with the NPPF, which also seeks to promote accessibility by a range of methods, and accordingly, they can be given full weight in considering the application. Specifically, the NPPF at Paragraph 103, sets out that the planning system should actively manage patterns of growth including, to promote walking, cycling and public transport use. Significant development should be focused in locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Further to this, Paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements and facilitate access to high quality public transport. Decisions should address the connections between people and places and the integration of new development into the natural and built environment.

102. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies within Gilesgate which forms part of the Durham City Cluster comprising of seven named areas. The Durham City Cluster is the highest ranking settlement within the County based on the services and facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth.
103. Durham Gilesgate Primary School adjoins the site. Within 300m of the site there is a public house and four premises including a convenience store, two takeaways and a hairdressers. The site lies within approximately 0.6km of Dragon Lane District Centre, 0.8km of the Durham City Retail Park and 0.8km of Dragonville Industrial Estate which contain a vast array of shopping and employment opportunities. In terms of distances to services and amenities, these are generally considered acceptable as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. The walking routes to the amenities and services in the surrounding area are on adopted well-lit highways with no significant topographical restrictions. In terms of cycle access, the site performs well, with services being within a short cycle ride.
104. Bus stops lie within close proximity of the site on Bradford Crescent which provides a regular service between the Arncliffe Centre and Sherburn Village calling at Durham City Centre and operating throughout the week and into the evenings. All areas of the site would lie within the recommended 400m walking distance criteria to bus stops. More services are available on along Sunderland Road although these would be approximately 550m from the site boundary.
105. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. Policies R11 and T21 of the CDLP sets out that public rights and other paths will be protected therefore are considered consistent with the NPPF.
106. In this regard a public right of way (Bridleway No.114 (Durham City)) passes through the south west corner of this site before terminating partway through the retained access route into the site. The Council's Public Rights of Way Officer (PROW) has raised no objection to the scheme following the submission of amended plans which now show there will be no obstruction to the bridleway route. An informative is, however, recommended to be imposed relating to the protection of public rights of way. As such, the proposal would be in compliance with CDLP Policies R11 and T21.
107. Overall, it is considered that the site has access to a large array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Walking distances and established bus services would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.

108. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies Q2, R11, T5 and T21 of the CDLP and Paragraphs 103 and 110 of the NPPF.

## Playing Fields

109. Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
110. CDLP Policies R1 and R3 seek to provide and protect recreational open space to the minimum level of 2.4ha per 1000 population. Policy R3 states the loss of open space currently used for recreation may only be permitted where the development: is for new or improved facilities relating to the existing recreational use; or it involves a small part of a larger recreational area which would bring about the enhancement of the remainder; or an alternative area of at least equivalent value will be provided locally; or its loss will not prejudice the overall standard of open space for outdoor recreation within the immediate area in accordance with Policy R1.
111. Policy R4 sets out that the development of land that has been declared surplus to educational requirements will be permitted provided that: it is not likely to be required for educational or community purposes in the future; and the scheme is in accordance with policies R1 and R3. Policies R1 and R3 are only partially consistent with the NPPF as they set open space provision levels that are no longer up to date.
112. The proposed redevelopment of the former Durham Free School includes areas of land used previously as sports pitches including tennis courts and a Multi Use Games Area (MUGA) associated with the former school, although it excludes the grassed pitches that lie to the north. The redevelopment proposals for this site do not include any direct replacement of the facilities to be lost. Sport England have been consulted on the proposal and advise that the proposal would result in the loss of 0.7ha of playing field and they estimate the cost of replacing the floodlit tennis courts at £275,000 and the small-side floodlit artificial grass pitch at £258,000. However, Sport England have also provided a range of costs for replacement provision. The maximum cost is cited as £533,000 whereas, at the other end of the scale, the cost of replacing the lost amount of playing field would be £100,000.
113. The Council's Playing Pitch Strategy (PPS) (2019) has recently been approved by the steering group. This document outlines there is a net undersupply of playing pitches across the County, therefore, the proposals would not satisfy criteria a) of paragraph 97 of the NPPF or Policy R4 of the City of Durham Local Plan in the sense that on a strategic level it has not been proven that the facilities are surplus to requirements. Criteria c) of this paragraph is not relevant as alternative sports provision is not being proposed. This only leaves part b) which sets out that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. As no direct replacement of the lost facilities is proposed, consideration needs to be given to what is an appropriate financial contribution to secure.



114. Policy R3 is applicable to open spaces currently used recreation. In this instance the open space to be lost has not been used for almost 5 years and as a result CDLP Policy R3 is not strictly applicable. The site was inspected when the school closed and the photographs taken at that time show that both the tennis courts and especially the MUGA were in a poor state of repair thereby significantly limiting their benefit to sport. Furthermore, the school has been closed for almost 5 years which in itself indicates that these facilities are not providing a key recreational function at present. The site has also been viability tested and the overall conclusions accepted. To ensure the development mitigates its impacts, is policy compliant and acceptable in planning terms this report will outline that the developer is required to make significant other contributions and obligations. Being a brownfield site there are also higher remedial costs to consider. Even if the lower figure of £100k is secured the site would return significantly lower profits than what would be expected. Notwithstanding this, the developer is happy to accept this return. On the basis of the aforementioned, a £100,000 contribution is considered to be a reasonable and justified approach (albeit Sport England do not consider this amount would provide replacement facilities to their current standard).
115. In terms of considering schemes which would provide equivalent or better provision in terms of quantity and quality in a suitable location it is noted that the PPS puts forward a series of recommendations across the five planning delivery areas. The application site lies within the 'Central' planning area and one of the recommendations relates to pitches within close proximity of the site. The Strategy indicates that the pitches (1 x adult, 1 x mini) associated with Durham Free School (the areas that lies to the north of the development site) are poor quality and currently unused following the closure of the school. It is also noted that the adjacent Gilesgate Primary school has interest in the pitches for community use and that their existing pitch is 'overplayed'. The two sites are linked within the PPS and there is a recommendation to 'improve the pitch quality in line with the Local Football Facility Plan' (LFFP). The LFFP for County Durham has recently been approved by the Football Foundation/FA. The former Durham Free School playing fields site is identified along with 28 other sites as priority projects for potential investment in grass pitch quality improvements. Improving existing pitch quality and providing additional pitches at the site would alleviate capacity issues across County Durham. The Council's Asset Management Section, in partnership with others interested parties, including the developer and headmaster of the adjacent school, have been working towards progressing a scheme which would help to realise this recommendation within the PPS.
116. Whilst the aforementioned appears to be a promising option it is considered advisable to allow a wider spending remit for the contribution to ensure the maximum level of flexibility. The applicant has agreed to provide a financial contribution of £100,000 prior to the commencement of development to be used towards the implementation of the recommendations within the Central Planning Area as contained in the Council's Playing Pitch Strategy. This contribution would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). On this basis of the condition of the facilities, that they are not currently accessible to the public, and that there are known potential schemes which could deliver equivalent or better provision in terms of quantity and quality in a suitable location, the requirements of Paragraph 97 of the NPPF can be met.
117. Sport England have however objected to the proposal on the grounds that they consider that the proposal is contrary to their Playing Field Policy and paragraph 97 of the NPPF on the basis that it would result in the loss of playing field with no adequate mitigation. Sport England place emphasis on their statutory consultee role and the weight to be attributed to their comments. The Town and Country Planning (Consultation) (England) Direction 2009 advises that in situations where Sport England have objected to a development it must be referred to the Secretary of State for consideration. It is therefore not possible for Members to approve this application at the Committee Meeting.

## Highway Safety and Access

118. CDLP Policy T1 precludes development proposals that would result in a level of traffic detrimental to highway safety or which would have a significant effect on the amenity of occupiers of neighbouring property. Policy T1 is considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, it can be given full weight in considering the application. The NPPF, at Paragraphs 108 and 109, also sets out that when considering development proposals, it should be ensured any significant impacts from the development on the transport network (in terms of capacity and congestion), can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
119. Paragraph 111 sets out that all developments that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In this respect, the application is accompanied by a Transport Statement (TS) and a Travel Plan (TP). Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues.
120. CDLP Policy Q2 outlines that the layout and design of all new development should take account the requirements of all users including ensuring a satisfactory means of access and manoeuvring of vehicles. Policy Q2 is considered consistent with the NPPF and can be afforded weight. Though CDLP Policy T10, advising on parking provision, is a policy relevant to the proposal it is considered inconsistent with the NPPF in-so-far as limiting parking spaces within development and, therefore, attributed no weight in the decision-making process. Car parking standards are now outlined in the Council's Residential Car Parking Standards.
121. The development would utilise the existing access of Bradford Crescent which formerly served the school. The site access and traffic impacts are set out in the TS and the Highway Authority consider them to be acceptable. Following some amendments, the internal road layout has also been agreed and car parking would be provided in compliance with the minimum requirements outlined in the Residential Car Parking Standards. The Highway Authority, whilst noting that the required levels of visitor parking spaces are accommodated within the development, express concerns that these spaces are not evenly distributed throughout the scheme. They also note driveway lengths are difficult to check on submitted 1:500 scale. The agent has advised that they are confident that the layout shows the correct driveway lengths however if alterations are required this can be dealt with through the Section 38 adoptions process. The developer has, however, satisfactorily addressed all the other comments raised by the Highway Authority.
122. Overall, the highways impacts of the proposed development are considered to be acceptable in accordance with CDLP Policies T1 and Q2 as well as Part 9 of the NPPF. In the event of an approval two informatives relating to the Traffic Regulation Order and adoption would be added to the decision notice.

123. CDLP Policy Q8 requires that developments relate well to their built environment surrounds and seek to retain existing landscape features of the area. The Policy also requires adequate provision of open space and the establishment of a clear and defined road hierarchy. CDLP Policy H13 seeks to resist development that would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents. CDLP Policies E14 and E15 seek to safeguard existing trees and hedges and provide new trees and hedgerows as part of new development proposals. CDLP Policy Q5 require a high standard of landscaping where a new development proposal would have an impact on the visual amenity of the area, and peripheral structural landscaping where the site lies on the outer edge of a settlement. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to CDLP Policies Q5, Q8, H13, E14 and E15 in this respect.
124. The development is well screened given it is largely surrounded by existing development and landscaping therefore would be more readily seen in views from the existing public right of way and footpath link between Friar's Row and Bradford Crescent. The proposed dwellings are considered commensurate in scale and design with the surrounding area. The proposed layout allows for natural surveillance of the public open spaces, SUDS basin and vehicular and pedestrian routes through the site and there are feature plots on the corners. Some areas of the site were considered to be dominated by parked cars however the layout has since been amended and a landscaping scheme has been developed to help soften this impact. The materials palette proposed includes three different red multi bricks, a tiled roof in either red, terracotta or grey and artstone heads and cills. Windows and doors are proposed to be white UPVC and anthracite grey respectively. The boundary treatment plan shows the proposed location and appearance of the proposed high close boarded timber fencing. Overall it is considered that this design approach would be adequately in keeping with the surrounding area.
125. The site relates to a former school site which closed in 2015 and was demolished the following year. The site consists of scrubland and unmanaged grassland with only some walls relating to the former use remaining. Paragraph 118 of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The proposal meets these criteria being located within Gilesgate and entails the re-development of previously developed land. Development of the site would result in environmental improvement in terms of the overall appearance of the site. These benefits should be afforded substantial weight in the planning balance.
126. Both the arboriculture and landscape officer have raised concerns that a number of trees (and groups), the majority of these being of higher and moderate value, are required to be removed to facilitate the development proposal. To address these concerns the developer has amended the site layout around the entrance to the estate which retains a higher proportion of trees whilst still providing an acceptable gateway feature. Landscape and tree officers welcome these amendments although note that the proximity of the now retained trees to the garden of plot 60 may cause future conflict through overshadowing, proximity to their dwelling, falling leaves. A detailed landscaping scheme has been submitted in support of this application which seeks to partially address this loss and provide an attractive environment.

Furthermore, a tree protection plan has been prepared to ensure that the trees and hedges that do remain are protected throughout the construction period. Whilst the loss of trees is regrettable it is to a large degree unavoidable in respects to any housing proposal as a number of the trees to be removed lay internal to the site rather than around its boundary. Furthermore, the trees are not protected by any designation. The landscaping scheme proposed would provide additional tree planting. As will be outlined later in this report adequate levels of open space are considered to be provided within the site. Conditions would, however, be imposed to secure the scheme of landscaping, its future management and maintenance and tree protection measures. Overall, it is considered that there would be no significant adverse landscape impacts and the proposals would be compliant with policies Q5, Q8, H13, E14 and E15 of the CDLP and Part 12 of the NPPF.

127. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice (outlined above) and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation. It is linked to the Sustainable Design Policy (30) in the emerging County Durham Plan. Policy 30 of the County Durham Plan is not yet adopted. Full weight to the BfL SPD and how it operates in tandem with Policy 30 cannot therefore be provided. However, the SPD is still an adopted Council document and, therefore, weight can be attributed to it in the decision-making process.
128. At the start of the application process the scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. The scheme scored relatively positively, achieving 6 green and 6 ambers. Since this assessment there has been amendments to the scheme to try and positively address areas of concern. The development now retains a higher proportion of trees, includes corner turning plots and the dominance of parked cars has been reduced. The scheme has not been referred back through the in-house review process as the scheme scored relatively positively to begin with and the amendments to the scheme have successfully addressed previous areas of concern.
129. Policy Q15 sets out that the Council will encourage the provision of artistic elements in the design and layout of the development. Although the NPPF is silent on public art, it is supportive of ensuring that development makes places better for people and the policy can be afforded some weight as a result. However, as the overall layout and design of the development is considered to be acceptable and due to viability concerns surrounding the site it is considered that it would not be reasonable or necessary to impose a condition in this regard.
130. With regards to landscape impact, layout and design the development would be compliant with policies Q5, Q8, H13, E14 and E15 of the CDLP and Part 12 of the NPPF.

#### Residential Amenity

131. CDLP Policy H13 of the states that planning permission will not be granted for new development that would have a significant adverse effect on the amenities of residents within them. CDLP Policy Q8 seeks to provide adequate amenity and privacy for each dwelling and minimise the impact on the proposal on existing residents.

These policies are considered consistent with Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

132. The submitted site layout indicates that generally separation distances between dwellings in the development are in excess of 21m between facing principal elevations or 13m between principal and gable elevations as advocated in the Local Plan. There are a few instances where distances fall slightly short although not to an unacceptable extent. These all relate to relationships between the proposed dwellings. Distances standards with properties external to the development are comfortably achieved. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts.
133. In support of the application a boundary treatment plan has been provided which specifies the appearance, height and location of any proposed new fencing. The developer acknowledges that in cases where fencing is proposed adjacent to existing properties (which benefit from their own boundary fence) and trees an on-site assessment will be required. They would however generally prefer to install their own fence so as to define the new edge of the development. The approach outlined on the boundary treatment plan is considered to be acceptable and would not give rise to any significantly adverse residential amenity impacts.
134. Some of the proposed housing would be in close proximity of the existing school, therefore, the noise arising from this use and the impact to future occupants needs to be considered. Environment, Health and Consumer Protection (Nuisance) Officers advise a condition is imposed to ensure that the recommended internal and external noise levels can be achieved in the interest of the amenity of future occupiers. There is the potential for disturbance during the construction period, therefore, a Construction Management Plan (CMP) has been submitted in support of the application. Officers in both Environment, Health and Consumer Protection (Nuisance) and Compliance and Monitoring considered sufficient mitigation in this case would be provided subject to conditions to secure adherence to this and hours of working.
135. Similarly, Environment, Health and Consumer Protection consider that the development will not have a significant effect on air quality and there is no requirement to undertake further assessment. The dust suppression measures and the monitoring inspections as set out in the CMP are considered to be proportionate to the risks identified during the construction phase. As such, there would not be an adverse impact on the environment having regard to paragraph 181 of the NPPF.
136. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with CDLP Policies H13, Q1, Q2, Q4 and Q8 and Parts 12 and 15 of the NPPF.

## Ecology

137. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Policy E16 of the CDLP states that development proposals should take account of any nature conservation interest within the site by providing appropriate surveys, avoid any unacceptable harm and provide mitigation measures where appropriate. The advice contained within Policy E16 is considered consistent with that within the NPPF and can be afforded weight.

138. The site is located 400m to the south of Frankland and Kepier Woods Local Wildlife Site. An ecological impact assessment has been submitted in support of the planning application which contains the necessary data to assess the direct and indirect impacts of the development and potential impacts on protected species. The preliminary appraisal concluded that there may be a loss and severance of potential bat foraging areas and commuting routes, increased disturbance to bats through increased lighting on the site, harm and disturbance to nesting birds should tree felling take place during the bird breeding season, loss of areas suitable for nesting and foraging habitat to a range of species including birds, bats and hedgehogs and harm to species including hedgehog and common toad through entrapment if excavations are left open overnight. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended).
139. Having regard to this information and based on the likely impacts of the development upon ecological interests Section H of the report outlines a series of recommendations, including carrying out of works at times of the year where disturbance will be minimised, ensuring excavations left overnight will have a means of escape for mammals, protecting the roots and crowns of trees during construction, implementation of a sensitive lighting scheme, the installation of bat and bird nesting boxes and additional planting. The mitigation strategy can be secured by condition.
140. Ecology officers have, however, raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £14,750, to be used towards offsite biodiversity enhancements in accordance with the framework identified in Durham County Council's Durham Biodiversity Compensation Strategy document, which would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF. This contribution would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
141. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. Therefore, subject to securing a financial contribution to deliver biodiversity offsetting and conditions relating to securing the mitigation strategy, a detailed landscaping scheme and a management plan for habitats to be created including an appropriate monitoring programme, the proposal would comply with CDLP Policy E16 and Part 15 of the NPPF in this respect. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and Drainage

142. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. CDLP Policy U8A requires satisfactory arrangements to be made for the disposing of foul and surface water discharges. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision-making process.

143. The application is accompanied by a Flood Risk Assessment which highlights that the application site is within Flood Zone 1 with a low flood risk probability. Further information has been provided during the course of the application, including a drainage strategy and plan, indicating that SuDS are to be included in the form of a detention basin. Drainage and Coastal Protection Officers advise that this approach would be in compliance with the Council's adopted SuDS Adoption Guide. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
144. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
145. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to CDLP Policy U8A and Part 14 of the NPPF.

#### Heritage and Archaeology

146. A geophysical survey has been submitted which indicates that the site has been heavily disturbed which accords with the known history of the site having formerly been occupied by a school. Based on the level of disturbance shown, any remains are likely to have been severely truncated. On this basis the Council's Archaeologist confirms no further work is required. The proposal is therefore considered to comply with CDLP Policies E21 and E24 and Paragraph 128 of the NPPF. These Policies are considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.
147. There are no designated or non-designated heritage assets within close proximity of the development site. Durham (City Centre) Conservation Area, containing a number of listed buildings, is located approximately 460m to the southwest of the proposed built development. The nearest listed buildings to the site lie along Gilesgate where multiple Grade II listed buildings line the highway. The Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision maker.
148. It is considered that there would be no intervisibility between the site and the aforementioned designated heritage assets due to the distances involved, intervening buildings, topography and landscaping. Design and Conservation officers have raised no objections to the proposal on heritage grounds. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. The proposals would, therefore, accord with Part 16 of the NPPF and the requirements of CDLP Policies E6, E21, E22 and E23. These Policies are considered partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.



149. CDLP Policy R2 seeks to ensure adequate recreational and amenity space in new residential developments. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policy R2 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.
150. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
151. Having regard to the scale of the development it is considered that play space (children's), amenity open space and natural green space should be provided on-site. Given the scale of the development the children's play space would comprise of a non-equipped play area. As there is an existing play area in close proximity of the development on land to the rear/west of Wakenshaw Road, (within approximately 500m to the south west of the site) it is considered more appropriate to secure an off-site contribution towards the enhancement of existing facilities. The required levels of on-site amenity open space and natural green space (1,980sqm) are provided for and indeed are exceeded on site. The development would generate a required contribution of £94,446 for those typologies not provided for on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.
152. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places and Admissions Manager advises that a development of 60 houses could produce an additional 18 primary pupils and 8 additional secondary pupils. Whilst there is sufficient capacity at the local primary schools therefore is insufficient capacity at secondary level at Belmont Community College. A contribution of £132,432 to be used towards education provision is therefore required. This would be secured as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
153. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The North Durham Clinical Commissioning Group (ND CCG) has advised that Dunelm Medical Practice, the surgery most likely to be impacted by the development, is undersized for their practice size. Based on the additional population likely to be generated by the development there is a requirement for a financial contribution of £28,980 to mitigate the impacts of the development. Notwithstanding this it is anticipated that the Council's 'Developer Contributions to Mitigate Impacts on Health Policy' will be progressed to Cabinet shortly for endorsement and the application of this policy would likely reduce the contribution sought. Given the potential for impending adoption of this policy the developer has requested a review clause in any Section 106 Agreement that would permit the contribution to reflect this policy should it indeed be adopted prior to its requirement to be paid. In either event the contribution sought would improve access to healthcare provision in Gilesgate and therefore make the proposed housing expansion supportable from a health infrastructure perspective.

## Affordable and Accessible/Adapted Housing

154. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. CDLP Policy H12 also encourages developers to provide for a fair and reasonable proportion of affordable housing, and for an appropriate variety of house types and sizes. The Council's Strategic Housing Market Assessment (SHMA) (January 2019) is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing (70% affordable rented housing to 30% intermediate products).
155. The site falls within the highest viability area. This means that 25% of the properties within the scheme would need to be affordable equating to 15 units. The first 10% (6no.) of the scheme should be provided in the form of affordable home ownership as directed by paragraph 64 of the NPPF and the remaining 15% should be in line with the SHMA (6no. affordable rented housing and 3no. intermediate products). The applicant has indicated that this level of provision would be delivered to be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
156. Paragraphs 59 and 61 is supportive of ensuring that the needs of groups with specific housing requirements are addressed including that of older persons. Policy H12a of the CDLP outlines similar requirements. The SHMA outlines there is a need to provide 10% of the private and intermediate properties for older person including level access bungalows or Building for Life provision. The scheme also includes the provision of 6no. semi-detached older persons bungalows which is equivalent to 10% of the overall site accommodation in accordance with these requirements.
157. In terms of housing mix, the development would provide a range of 2, 3, and 4 bedroomed properties and 2 bedroomed bungalows which would provide a mix of housing in compliance with CDLP Policy H12A and Part 5 of the NPPF.

## Planning Obligations

158. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards ensuring net biodiversity gains are achieved, providing additional teaching accommodation, improving access to healthcare provision, the implementation of the PPS recommendations for the Central planning delivery area and off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing.

## Other Issues

159. Given the sensitive end use of the site a Preliminary Appraisal Report, Phase II Geo-Environmental Site Assessment and Ground Gas Risk Assessment has been submitted in support of the application. Environmental Health Officers agree with the recommendations and that conditions to secure a Phase 3 remediation strategy and Phase 4 verification report are required. They also recommend an informative relating to unforeseen contamination is applied. On this basis would ensure the site and the surrounding area would be safe from contamination risks the proposed development therefore complies with Policy U11 of the CDLP and Paragraph 178 of the NPPF which. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.

160. The Coal Authority records indicate that there is a coal outcrop running through the site which may have been subject to historic unrecorded workings at shallow depth. There is also the presence of a recorded mine entry within the north west corner of the site. The application is supported by a number of desk-based assessments and intrusive site investigations have been undertaken. No evidence of coal seams or the mine shaft were encountered during the ground investigations. It was established that there is sufficient competent rock to mitigate possible risks from shallow mine workings at greater depths. The risk to this development from shallow mine workings is therefore considered to be low. As no evidence of the recorded mine entry was encountered a 36m easement from the recorded position of the mine shaft has been incorporated into the layout meaning no built development will take place within this part of the site.
161. The Coal Authority raises no objection to the proposal on the basis of the conclusions reached within the Phase II report and the proposed site layout. They also confirm no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues. The proposal therefore complies with Policy U13 of the CDLP and Part 15 of the NPPF in demonstrating that the site is safe and stable for future development. This Policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.
162. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. CDLP Policy U14 encourages that the design of a building minimises energy consumption and includes energy efficiency measures therefore the policy is considered consistent with the NPPF. This requirement currently falls to be secured through Building Regulation requirements although moving forward the emerging County Durham Plan has a specific policy in this regard.
163. The proposal has generated some public interest. The majority of responses received raise queries in relation to the development with only one letter of objection having been received. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Any damage caused to neighbouring properties through the current condition of the site would be a private civil matter between the interested parties. The footpath between Bradford Crescent and Monks Crescent lies outside the development site therefore it should be unaffected by the development works. The information submitted in support of the application was consider sufficient to allow a full and proper assessment of the development proposals.

#### Planning Balance

164. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on housing. Furthermore, there are no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

#### *Benefits*

165. The development would assist in maintaining housing land supply including the provision of affordable housing whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
166. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

167. The development would provide an increased range of house types including 25% affordable housing provision and older persons accommodation which would meet an identified short fall within the County.
168. The development would result in the positive re-use of previously developed resulting in environmental improvements to the area.
169. Overall, based upon the ecological works proposed in addition to the financial contribution to be secured through a planning obligation under S106 of the Town and Country Planning Act 1990, it is considered that the development would lead to net gain in terms of biodiversity.

#### *Adverse Impacts*

170. No significant adverse impacts have been identified. The loss of a number of trees is regrettable but considered inevitable through the redevelopment of this site. Tree loss has been minimised where possible through amendments to the site layout, retained trees will be protected throughout the construction period and a detailed landscaping scheme will be secured. There is a Sport England objection although the Council do not consider there is a conflict with paragraph 97 of the NPPF subject to a S106 contribution being secured. The Highway Authority note that whilst the requisite number of visitor car parking spaces have been provided, they are not evenly dispersed throughout the site. Overall, whilst it is acknowledged that some limited harm would arise as a result of the aforementioned, this harm would not, it is considered, be significantly adverse.

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## **CONCLUSION**

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171. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
172. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in all other respects.
173. No significant adverse impacts have been identified. Overall whilst it is acknowledged that some limited harm would arise, this harm would not, it considered, be significantly adverse. For the purposes of Paragraph 11d ii, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply position. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
174. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards ensuring net biodiversity gains are achieved, providing additional teaching accommodation, improving access to healthcare provision, towards the implementation of the recommendations within the PPS and off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing.

175. The proposal has generated some limited public interest. Of the eight letters received only one was a formal objection with the others raising concerns and queries. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended).

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## RECOMMENDATION

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That the Committee is **MINDED TO APPROVE** the application subject to the referral of the application to the Secretary of State; and, in the event of the application not being called in, the Head of Planning be authorised to determine the application subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 25% affordable housing units on site comprising of 15 units (6no. for affordable home ownership, 6no. affordable rented housing and 3no. intermediate products);
- £132,432 towards providing additional secondary teaching accommodation at Belmont Community School;
- £94,446 towards improving offsite open space and recreational provision within Belmont Electoral Division;
- £28,980 for improving access to healthcare provision in the vicinity of the development but including a final sum review clause given potential adoption of Council's 'Developer Contributions to Mitigate Impacts on Health Policy'
- £14,750 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy
- £100,000 to be used towards the implementation of the recommendations within the Central Planning Area as contained in the Council's Playing Pitch Strategy

And 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:

Drg. no. PL01 Site Location Plan received 07/08/2019  
Drg. no. PL15 Single Garage Plans and Elevations received 07/08/2019  
Drg. no. PL16 Twin Garage Plans and Elevations received 07/08/2019  
Drg. no. PL17 Double Garage Plans and Elevations received 07/08/2019  
Drg. no. PL05 Rev. A Boundary Treatment Plan received 16/10/2019  
Drg. no. PL18 Materials Distribution Layout received 16/10/2019  
Drg. no. PL06 Rev. A The Chad – CH received 16/10/2019  
Drg. no. PL07 Rev. A The Aiden – A received 16/10/2019  
Drg. no. PL09 Rev. A The Mason – MA received 16/10/2019  
Drg. no. PL10 Rev. A The Cuthbert – CU received 16/10/2019  
Drg. no. PL11 Rev. A The Hild – HL received 16/10/2019  
Drg. no. PL12 Rev. A The Desmene Variant – DV received 16/10/2019  
Drg. no. PL13 Rev. A Bungalow received 16/10/2019

Drg. no. PL02 Rev. F Site Layout received 15/11/2019

Drg. no. 003-01 Rev. A Engineering Layout received 15/11/2019

Drg. no. AIA TPP Rev. B Arboricultural Impact Assessment Tree Protection Plan received 04/12/2019

Drg. no. AMS TPP Rev. C Arboricultural Method Statement Tree Protection Plan received 04/12/2019

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E15, H2, H12, H12A, H13, T1, Q1, Q2, Q5 and Q8 of the City of Durham Local Plan and Parts 1, 4, 6, 7, 8, 10, 11, 12 and 15 of the National Planning Policy Framework.*

3. No development shall take place until a Phase 3 remediation strategy based upon the findings of the submitted Phase 1 and Phase 2 reports (Preliminary Appraisal Report C8146, Phase II Geo-Environmental Site Assessment 19-329-r1 and Ground Gas Risk Assessment 18-329-GRA) have been submitted to and approved in writing by the Local Planning Authority. The Phase 3 remediation strategy shall, as necessary, include gas protection measures and method of verification.

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

4. Remediation works shall be carried out in accordance with the approved remediation strategy (required by condition 3). The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention, have been protected in accordance with the details contained within the Arboricultural Method Statement (AMS TPP Rev. C) dated 22/11/19 by All About Trees Ltd and BS 5837:2012. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area having regards to Policy E14 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF.*

6. Notwithstanding the submitted information, prior to the occupation of the first dwelling a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.

- Details of hard and 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.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of appearance of the area in accordance with Policies Q8 and Q15 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF.*

7. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policies Q8 and Q15 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF.*

8. The development shall be carried out in accordance with the recommendations outlined within Section H of the Ecological Appraisal R01 by E3 Ecology Ltd dated June 2019.

*Reason: In the interests of ensuring no protected species are affected by the development in accordance with Part 15 of the National Planning Policy Framework.*

9. The development shall be carried out in line with the drainage scheme detailed in the Flood Risk and Drainage Strategy dated June 2019 and drawing no. 003-01 Rev. A.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policy U8A of the City of Durham and Part 14 of the NPPF.

10. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Policy Q8 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.*

11. The Construction Management Plan outlined within the Construction Management Plan dated 18/11/2019 shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.



*Reason: To protect the residential amenity of existing and future residents from the development to comply with Policy Q8 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.*

12. To protect future occupiers from nearby noise sources it must be ensured that the following noise levels are achieved

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

Any noise mitigation measures required shall be first submitted to and approved in writing by the Local Planning Authority and thereafter installed prior to the beneficial occupation of the development in accordance with the approved details and shall be permanently retained thereafter.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policy Q8 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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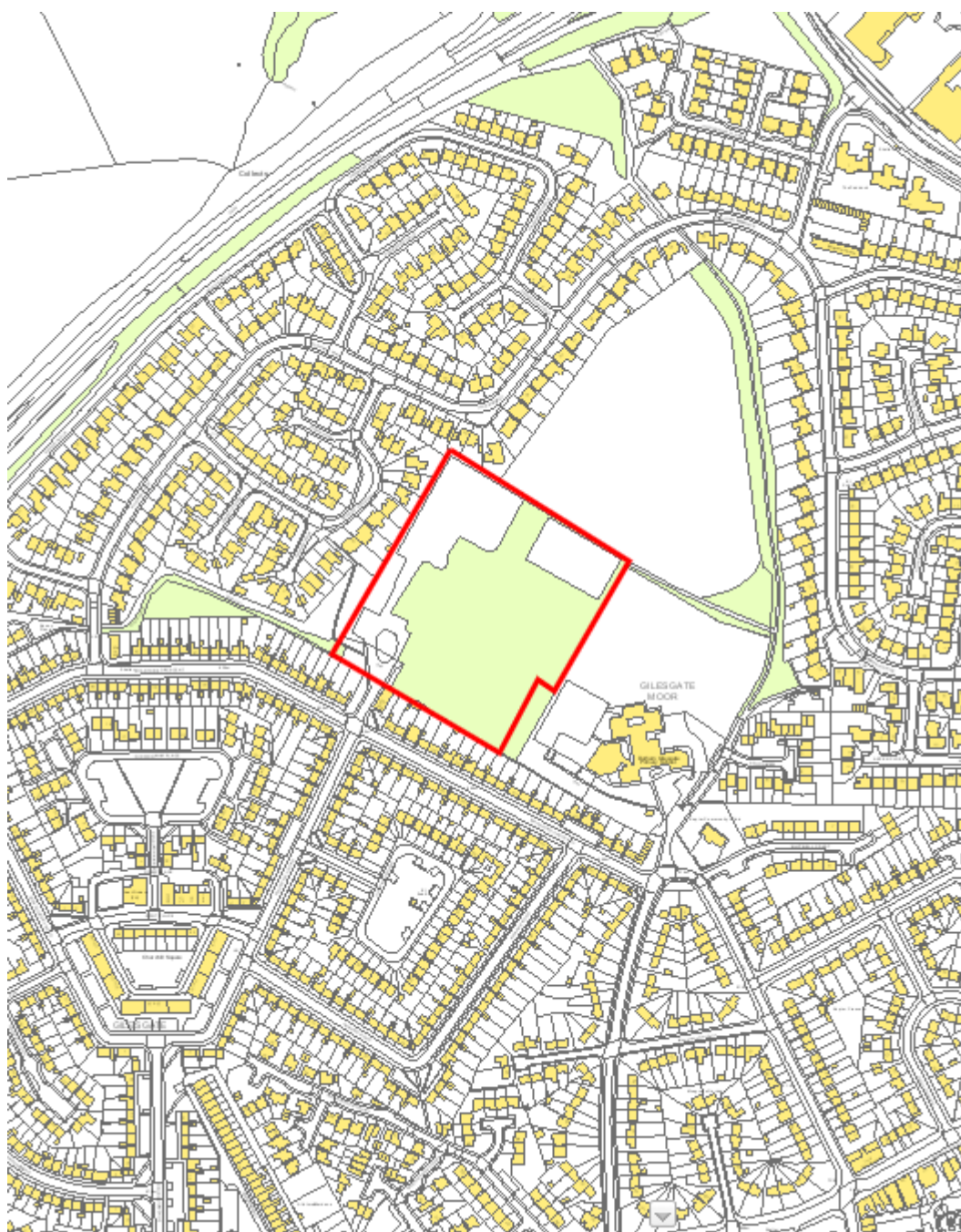
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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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 (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- County Durham Strategic Housing Land Assessment
- County Durham Strategic Housing Market Assessment
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation response



## Planning Services

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Erection of 60 dwellings with associated access, infrastructure and landscaping  
 Chapter Homes  
 Site Of Former Gilesgate Comprehensive School,  
 Bradford Crescent, Gilesgate, DH1 1HN  
 Ref: DM/19/02546/FPA

### Comments

**Date** 14<sup>th</sup> January 2020

**Scale** Not to Scale