

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** 1) DM/21/00154/VOC

**FULL APPLICATION DESCRIPTION:** Variation of conditions 22 (Framwelgate Peth access strategy) and 24 (Framwelgate Peth junction design) of DM/18/00896/VOC to remove requirement for signalisation and agree junction design

**APPLICATION No:** 2) DM/21/00155/VOC

**FULL APPLICATION DESCRIPTION:** Variation of conditions 19 (Framwelgate Peth access strategy) and 18 (Framwelgate Peth junction design) of DM/18/02924/FPA to remove requirement for signalisation and agree junction design

**ADDRESS:** Former Milburngate House Millburngate Durham DH1 5TL

**ELECTORAL DIVISION:** Elvet and Gilesgate

**CASE OFFICER:** Henry Jones, Principal Planning Officer,  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The former Milburngate House site is currently in the process of being redeveloped with a replacement mixed use development known as Milburngate. The entirety of the site extends to approximately 3.1 hectares. This report relates to two separate variation of condition applications, each pursuant to two planning permissions (of a total of three) which apply to different elements of the redevelopment as a whole.
2. Application 1 (DM/21/00154/VOC) seeks to vary planning permission DM/18/00896/VOC. This planning permission applies to the entirety of the site and has planning permission in detail for a mixed use development comprising of leisure (use classes D1 and D2), retail (use class A1), financial and professional services (use class A2), food and drink (use class A3, A4 and A5), offices (use class B1) and residential units (use class C3) together with outline planning permission with all detailed matters reserved except access for a mixed use development of office (use class B1) and a maximum of 150 residential units. The buildings and public realm forming the development would step up from the lower riverside level to the higher land towards Framwelgate Peth and would sit atop of a podium level predominantly housing four

levels of parking and servicing. Under application DM/18/00896/VOC detailed planning permission was granted for a total of six blocks of development - 1A to 1E.

3. In accordance with condition 2 of planning permission DM/18/00896/VOC, application for the approval of the reserved matters for the outline phases of the development required application before 12 March 2021. Said applications have not been received and as a result the outline elements of the planning permission have now lapsed.
4. Application 2 DM/21/00155/VOC seeks to vary planning permission DM/18/02924/FPA. Planning permission DM/18/02924/FPA granted an amendment to the Block 1E building with the principal change being that the block would become predominantly occupied by an office as oppose to the previously approved residential occupation together with associated design amendments. Block 1E is situated on the western side of the Milburngate site adjacent to Framwelgate Peth and in a location approximately opposite the vehicular access into the Highgate development.
5. Though a third established planning permission (DM/18/00894/FPA), relates to a development principally comprising of a hotel on the wider Milburngate site, the conditions proposed to be amended in regard to the Framwelgate Peth access do not apply to that planning permission as the junction itself is both outside of its application site and does not provide access for the hotel block.
6. To the north of the Milburngate site is the Radisson Blu Hotel and residential properties on Sidegate. To the south, beyond Leazes Road/Milburngate Bridge, is the Riverwalk shopping and leisure development. On the opposite side of the River Wear, to the east, lie the Freeman's Reach office development and beyond that the Walkergate development. In the west, on the opposite side of Framwelgate Peth, are residential properties at Highgate.
7. The application site is within close proximity to a number of designated and non-designated heritage assets. Notably, the site is within the Durham (City Centre) Conservation Area and within the setting of the Durham Castle and Cathedral World Heritage Site (WHS). The WHS is located approximately 200m from the application site at the nearest point.
8. The Milburngate site contains no statutory or locally designated landscapes or ecological sites. There are no designated public rights of way within the application site.
9. Redevelopment of the Milburngate site is well underway at present. Much of the podium structure beneath which servicing and car parking would be provided and above which the six building blocks would sit atop of is in situ. The steel structural framework to form several blocks has been erected. The highway works on Framwelgate Peth in relation to these specific proposals have also commenced in advance of the determination of these applications.

#### The Proposal

10. The two applications to which this report relates each seek to vary conditions relating to the access to the development proposed off Framwelgate Peth.
11. Condition 24 of planning permission DM/18/00896/VOC and condition 18 of DM/18/02924/FPA each state the following;

*Notwithstanding details contained within the plans and documents submitted, work shall not commence on the provision of the proposed signalised junction on Framwelgate Peth until a detailed design has been submitted to and approved by the Local Planning*

*Authority. The design shall include details of any highway works at or within the vicinity of the entrance to/egress from Highgate. The submitted details shall include timescales as to when the highway works and signalised junction provision shall be implemented.*

*The development shall thereafter be carried out in accordance with the approved details.*

*Reason: In the interests of highway safety having regards to CDLP Policy T1 and Part 9 of the NPPF.*

12. Planning permission was first granted for the Milburngate redevelopment in March 2018 (DM/16/01228/FPA). Under that planning permission access arrangements to serve the development were agreed with a main vehicular access from Framwelgate Waterside which would lead to the car parking for the commercial elements of the proposal beneath podium level. A second access would be taken via a new signalised junction from Framwelgate Peth. This secondary access was proposed to serve the residential properties and lead again to car parking below podium level. Associated with this signalised junction it was accepted that highway widening including the Framwelgate Peth carriageway itself would be necessary together with revised footway arrangements. It was also established that this access to Framwelgate Peth could be utilised as an evacuation route during a flood event.
13. The precise detailed design of the Framwelgate Peth junction was not approved, however, as the Highway Authority had identified elements which they considered required revision. Furthermore, a means to control the use of the Framwelgate Peth access for the residential occupiers of the development only was required. This established the requirement for a conditional approach in regard to the final Framwelgate Peth junction design and access strategy.
14. A separate servicing access for the development was also established at that time, taken off Framwelgate Waterside.
15. Since this time, amendments to the Milburngate redevelopment including those related to access arrangements have occurred. In granting planning permission under application DM/18/00896/VOC a further servicing access point and associated amendments to the highway was agreed off Framwelgate Waterside. It was also proposed to amend the Framwelgate Peth junction proposals so that the use of the access could be broadened, beyond the residential and emergency use, for customer parking associated with the commercial uses as well. However, this proposal was withdrawn at the Planning Committee and this amendment was not therefore approved.
16. The variation of conditions now proposed under these pending applications seek to remove the requirement for the Framwelgate Peth junction to be signalised. The detailed design of the non-signalised junction now proposed has also been submitted for approval. A priority junction arrangement is now proposed. No right-hand turning manoeuvres are accommodated for within the junction design. Access via the junction would be for southbound traffic only via a left-hand turn. Egress would involve a left turn out, again southbound, vehicles would head down to the existing signalised junction of Framwelgate Peth, Leazes Road/A690 and Milburngate.
17. A splitter island is proposed as part of the junction design so as to prevent right-hand turn movements and provide pedestrian/cycle refuge when crossing the access. A range of other highways works are proposed associated with the junction. As referenced above, in accepting the principle of the junction under past planning applications carriageway widening was accepted as a part of this. The detailed plans submitted show this widening occurring on the southbound side of Framwelgate Peth

with grass verge being replaced with additional carriageway and then a shared use footway beyond. This footway would vary in width along its length generally being between approximately 2.6m to 3m for most of its length down Framwelgate Peth, though its northern extremity would be significantly wider. The footway and access would be served by sections of guardrail and dropped kerbs and tactile paving as necessary. The proposals would involve a range of other highways related works such as new signage, bollarding and white lining schemes, highway drainage, service diversions and lighting column provision.

18. Condition 22 of planning permission DM/18/00896/VOC and condition 19 of DM/18/02924/FPA each state the following;

*The development hereby approved shall not be occupied until details of an operational strategy for the proposed Framwelgate Peth signalised access junction has been submitted to and approved in writing by the Local Planning Authority. Thereafter the signalised junction shall be operated in accordance with the approved details.*

*Reason: In the interests of highway safety having regards to CDLP Policy T1 and Part 9 of the NPPF.*

19. As the junction proposals no longer propose signalisation it is proposed to vary the wording in order to omit the reference to this in the above conditions. Details of the operational strategy have not been submitted under the applications. The applicant is proposing that this would be agreed via future discharge of condition applications.
20. The original grant of planning permission for the Milburngate redevelopment (DM/16/01228/FPA) was considered Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations and was accompanied by an Environmental Statement (ES). A variation of condition or section 73 application (as submitted here) is defined as a “subsequent application” in those regulations and it is necessary to consider whether any further information and thereby update of the previous ES is needed as a result. Under the previous section 73 applications (DM/18/00896/VOC and DM/20/01334/VOC) it was considered having regard to the scope of the amendments that the previous ES submissions provided adequate information to inform on the decision. Again, in respect to this pending “subsequent application” no ES addendums are considered necessary. Nevertheless, this report has taken into account the information contained in all previous ES submissions and matters arising from statutory consultations and other responses
21. The planning applications are being reported to the County Planning Committee following the request of the Local Ward Member.

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## **PLANNING HISTORY**

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22. Planning Permission was granted in July 2015 for the demolition of Milburngate House including remediation and enabling works in preparation for the proposed future redevelopment on the site (DM/15/01119/FPA).
23. In March 2018 planning permission was granted for the redevelopment of the site with a mixed use development comprising of leisure (use classes D1 and D2), retail (use class A1), financial and professional services (use class A2), food and drink (use class A3, A4 and A5), offices (use class B1) and 291 residential units (use class C3) together with associated access, demolition, landscaping and infrastructure works (detailed permission) and outline planning permission with all detailed matters reserved except

access for a mixed use development of office (use class B1) and a maximum of 150 residential units (use class C3) and associated landscaping and infrastructure works (DM/16/01228/FPA).

24. In December 2018 planning permission was granted for the variation of condition 4 pursuant to planning permission DM/16/01228/FPA (mixed use development on Milburngate House site) so as to permit new service yard access, car parking and servicing yard amends, additional cinema screen, replacement of unit 9 leisure use with residential, insertion of mezzanine level in unit 7, movement of 7 residential units from Block 1E to Blocks 1B, 1C and 1D and replacement with storage, increase in roof terrace space at Block 1D & removal of 2 meeting rooms, fenestration amends, landscape and public realm adjustments (DM/18/00896/VOC).
25. In December 2018 planning permission was granted for a 92-bed hotel and two commercial units for shop, professional and financial service and/or food and drink uses (Class A1-A5) with associated works (identified as Block 1A) (DM/18/00894/FPA).
26. In December 2018 planning permission was granted for the erection of an office block (identified as Block 1E) (B1 use class) with flexible permission for shop, food and drink and assembly & leisure uses at ground floor level (Use Classes A1, A3 and D2) and associated public square and landscaping (DM/18/02924/FPA).
27. At Planning Committee in November 2020 it was resolved to grant varied planning permissions in relation to DM/18/00894/FPA, DM/18/00896/VOC and DM/18/2924/FPA so as to temporarily increase the permitted construction working hours at the site (DM/20/01333/VOC, DM/20/01334/VOC and DM/20/01332/VOC).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

28. 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.
29. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
30. *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.

31. *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.
32. *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.
33. *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.
34. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
35. *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.
36. *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.
37. *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.
38. *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.
39. *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.
40. *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.

41. *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.
42. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

43. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; design: process and tools; determining a planning application; effective use of land; environmental impact assessment; flexible options for planning permission; flood risk and coastal change; healthy and safe communities; historic environment; housing and economic development needs assessments; housing needs of different groups; housing supply and delivery; land affected by contamination; land stability; light pollution; natural environment; noise; planning obligations; travel plans; town centres and retail; travel plans, transport assessments and statements; use of planning conditions and; tree preservation orders and trees in conservation areas, water supply, wastewater and water quality.

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

#### **LOCAL PLAN POLICY:**

The County Durham Plan (CDP)

44. *Policy 1 Quantity of Development* – Outlines the levels of employment land and housing delivery considered to be required across the plan period.
45. *Policy 6 Development on Unallocated Sites* - States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it; is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.

46. *Policy 9 Retail Hierarchy and Town Centre Development* - Seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the County.
47. *Policy 15 Addressing Housing Need* – Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
48. *Policy 19 Type and Mix of Housing* – Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
49. *Policy 21 Delivering Sustainable Transport* - Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
50. *Policy 22 Durham City Sustainable Transport* - Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
51. *Policy 25 Developer Contributions* – Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
52. *Policy 26 Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
53. *Policy 27 - Utilities, Telecommunications and Other Broadcast Infrastructure* – Supports energy generation, utility transmission facilities, telecommunication, broadcast and broadband equipment where; significant adverse impacts would not occur or benefits outweigh the adverse impacts; siting is justified including having regard to technical requirements and visual impact and; unacceptable interference issues do not occur. New residential and commercial development should be served by high speed broadband connection.
54. *Policy 29 Sustainable Design* - Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources;

providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

55. *Policy 30 Hot Food Takeaways* – Advises that where proposals within Sub-Regional, Large Town, Small Town, District and Local Centres will be refused should an unacceptable impact upon the vitality and viability of those centres result. Outside of such centres, proposals within 400 metres of an entry point of an existing or proposed school or further education college will not be permitted. The specific amenity impacts of each takeaway proposal must also be acceptable.
56. *Policy 31 Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
57. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
58. *Policy 35 Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
59. *Policy 36 Water Infrastructure* – Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
60. *Policy 39 Landscape* - Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
61. *Policy 40 Trees, Woodlands and Hedges* - Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme

clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

62. *Policy 41 Biodiversity and Geodiversity* - Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
63. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
64. *Policy 43 Protected Species and Nationally and Locally Protected Sites* - Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
65. *Policy 44 Historic Environment* - Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
66. *Policy 45 Durham Castle and Cathedral World Heritage Site* - Seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
67. *Policy 56 – Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

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

##### Neighbourhood Plan Policy

68. A neighbourhood plan is being prepared by the City of Durham Parish Council covering the whole parish area. The Plan has been examined and a Decision Statement has been issued. The date of the referendum on the plan is set as 6<sup>th</sup> May 2021. As a result, up to significant weight can now be attributed to the policies contained within the plan for decision making purposes.

69. The following City of Durham Neighbourhood Plan (DCNP) policies are considered relevant to these applications.
70. *Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions*
71. *Policy S2 – The Requirement for Master Plans*
72. *Policy H1 – Protection and Enhancement of the World Heritage Site*
73. *Policy H2 – The Conservation Areas*
74. *Policy G1 – Protecting and Enhancing Green Infrastructure*
75. *Policy E3 – Retail Development*
76. *Policy E4 – Evening Economy*
77. *Policy D2 – Housing for Older People and People with Disabilities*
78. *Policy D3 – Affordable Housing*
79. *Policy D4 – Building Housing to the Highest Standards*
80. *Policy T1 – Sustainable Transport Accessibility and Design*
81. *Policy T2 – Residential Car Parking*
82. *Policy T3 – Residential Storage for Cycles and Mobility Aids*

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/cdp> (County Durham Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

83. *City of Durham Parish Council* – Raise objection to the temporary closure of the footpath to enable the junction works to proceed, removal of pedestrian refuge and the considered inadequate signage for safe alternatives for pedestrian and cyclists encountering the closure. The removal of the signalisation of the junction is acceptable as interruption of the traffic flow at this location would add to delays in other locations. The variation to the use of the junction so that it could be used for non-residential trips was withdrawn at a previous Planning Committee and was not approved despite some assertions within the application submission.
84. Objections are raised with the precise junction design. Concerns are raised that right-hand turning maneuvers may still be made despite signage and design. Safe junction crossing facilities are required, a raised roadway, level with the footpath, is suggested.
85. *Highway Authority* – Raise no objections. The left in/left out priority junction is acceptable. The junction should remain for the use of residents only and the management of this controlled via condition.

## PUBLIC RESPONSES:

86. The applications have been publicised by way of press notice, site notice, publication on the weekly list and individual notification letters to neighbouring occupiers.
87. 5 letters of representation have been received on the applications each raising objections and concerns. Two representations have only been submitted on one of the two applications. Those representations have been treated as a representation on both. The matters raised are summarised below.
- The proposed widening of the carriageway will affect the space available for cyclists and pedestrians making the footway inadequate and dangerous.
  - Detailed submissions are made on considered best practice for footway widths which the proposals do not comply with
  - Consideration should be given to reducing the speed limit of the road which would then permit some reduction in footway width
  - The footway inadequacies are unacceptable at a time when transport alternatives to the car are being encouraged. This was an opportunity to improve cycling infrastructure which is poor in Durham
  - The inadequacy of the pedestrian and cycling facilities result in conflict with CDP and DCNP Policies and advice within the NPPF
  - The original proposals kept the original footway alignment
  - The proposals are designed to allow more traffic to flow into the city centre which is an air quality management area
  - The junction crossing is unsafe for cyclists who will be required to look over their shoulder
  - Detailed alternative suggestions to the design are made proposing means to provide greater footway width which includes proposals for more land take in the Milburngate site itself, reducing lane width and removing white lining
  - The junction incorporates a hair pin bend and traffic will be required to cross the second lane to negate the bend
  - Junction visibility is restricted on exit
  - Traffic requiring to turn right at the Milburngate roundabout poses an accident risk
  - Drivers will ignore the no right turn signage
  - The application submissions incorrectly identify that the use of the Framwelgate Peth can be utilised by non-residents
  - Details of the management of the access to permit on residential use needs to be known now
  - The application should be heard at Planning Committee
  - Works have commenced in breach of planning legislation
88. *Cllr David Freeman (Elvet and Gilesgate Ward)* – Raises objections. Though the removal of the signals to the junction may appear to be safer, avoid queuing vehicles and visually be an improvement, no physical prevention of a right turn is included. The application incorrectly asserts that the junction can be used by non-residents. It is therefore requested that the application be referred to Planning Committee.
89. *City of Durham Trust* – Raise objections and endorse the comments of the Parish Council. Concerns raised in regard to the safety of pedestrians and cyclists whilst works are undertaken. The raised roadway across the junction, requested by the Parish Council is supported. Measures to improve the safety of the dual use footway should be taken. Finally, the works are well underway before this application has been considered.

## **APPLICANTS STATEMENT:**

90. The proposed variation relates to a minor material amendment to planning permission DM/18/00896/VOC and DM/18/02924/FPA in order to facilitate a change to the proposed junction from Framwelgate Peth into the site.
91. The proposed change will simplify the junction arrangement and will ensure safe access and egress for residents of the site. An operational strategy for the junction will be submitted at a later stage to discharge the relevant planning condition.
92. The original intent was for a fully signalised junction allowing vehicle movements through it in four directions (i.e. right turn in/out and left turn in/out). This intent was shown on the planning drawings and subsequently conditioned by the LPA, requiring fully detailed designs to be submitted to Durham County Council's Highways Department for approval.
93. A key component of the original junction design was traffic modelling based on future traffic figures projected using a planned Northern Relief Road serving the outskirts of Durham City, as was planned at the time of the grant of planning permission and included within the Draft County Durham Plan. During the detailed design process for the junction, and after further consultation with DCC Highways officers, it became clear that, in the period between granting planning approval and the detailed design progressing, the Northern Relief Road was omitted from the final adopted version of the County Durham Plan at the recommendation of the Planning Inspector and consequently will not go ahead. The resultant impact of the removal of the Northern Relief Road plans is an increased traffic flow through the planned junction. This would have a detrimental impact on traffic flow north bound, potentially impacting upon Milburngate Bridge/Framwellgate Peth junction at peak times; southbound traffic would also be impacted with queuing likely at the signals. Both the development team and DCC Highways officers consider this potential impact to be unacceptable and have worked to simplify the junction with the aim of providing beneficial use during operation of the development and to reduce impact on existing and future traffic flows on Framwelgate Peth.
94. To this end, the right turn in and out of the development was removed, and a left turn only access and egress junction is now proposed to mitigate the impact of increased traffic flows through the junction. The signalised control is therefore no longer required as vehicles turning left out of the development will give way to oncoming traffic and vehicles turning left into the Milburngate site will do so via priority junction, clearing the southbound lanes. The junction has also been shaped to deter drivers from attempting to turn right in or out of the site.
95. Durham County Council Highways have confirmed that the proposed junction design is acceptable and therefore, the application should be approved without delay.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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96. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions

previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those the previous permission was granted was subject to or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.

97. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
98. Under the original planning permission DM/16/01228/FPA and subsequent planning permissions DM/18/00896/VOC, DM/18/00894/FPA and DM/18/02924/FPA the main planning issues for consideration were; the principle of the development; locational sustainability; visual, townscape and heritage impact; residential and occupier amenity; highway safety/issues; ecology; flood risk and drainage; viability and planning obligations.
99. Since the grant of those planning permissions Section 73 applications DM/20/01333/VOC, DM/20/01334/VOC and DM/20/01332/VOC have also been considered. Those applications related to the variation of the construction working hours conditions and therefore, revolved around the implications upon residential amenity and pollution. These applications are subject to a resolution to grant but have not as yet been issued.
100. The principle of the redevelopment of the Milburngate site as a whole has been established with significant progression on site and this matter should not be revisited under these applications. The specific proposals under these two applications are considered to raise no new implications in regard to the majority of key matters discussed under the existing planning permissions.
101. Since the grant of planning permissions DM/18/00896/VOC and DM/18/02924/FPA significant changes in the planning policy context have occurred. The City of Durham Local Plan has been replaced with the County Durham Plan (CDP). The Durham City Neighbourhood Plan (DCNP) has progressed, been examined, a decision statement issued and the date of the referendum set as 6<sup>th</sup> May 2021. As a result, up to significant weight can now be attributed to the policies contained within the plan for decision making purposes.
102. The suite of CDP and DCNP policies that are relevant to the development proposals on Milburngate as a whole are listed in earlier sections of this report. However, the majority of these policies provide advice on a number of planning matters which relate to the planning permissions as a whole. The requested variation of conditions relate solely to the Framwelgate Peth junction and associated works. The consideration of the proposed variation of conditions, therefore, revolves around the implications upon highway safety and accessibility and, therefore, only the planning policies and guidance which relate to those matters are considered relevant.

#### Highway Safety and Accessibility

103. As outlined earlier in this report the provision of an access junction onto Framwelgate Peth has formed an accepted part of the proposals since the Milburngate

redevelopment was first granted planning permission in March 2018 and has remained a part of subsequent planning applications at the site since that time. It was also accepted that highway widening including the Framwelgate Peth carriageway itself would be necessary together with revised footway arrangements.

104. The key considerations are therefore the acceptability of the junction no longer being signalised and the precise design of the junction and associated highways works.
105. CDP Policy 6 advises that development should not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity whilst development should have good access to sustainable modes of transport. CDP Policy 21 seeks to promote sustainable transport and amongst its advice seeks to ensure appropriate and well designed routes for walking, cycling and bus access whilst vehicular traffic should be safely accommodated for on the network whilst regard should be had to County Durham's Strategic Cycling and Walking Delivery Plan. So as to address the dominance of car traffic, address air quality and improve the historic environment, CDP Policy 22 seeks to encourage a modal shift to the more sustainable modes of transport and improve walking, cycling and public transport infrastructure across Durham City. Policy 29 provides a broad range of design advice but within it states that major development proposals should include new roads and paths which are safe and functional together with convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, those with disabilities and emergency and service vehicles.
106. DCNP Policy S1, amongst its advice, requires that development maximises public transport, walking and cycling opportunities and meets all needs of users. DCNP E3 applies to the retail elements of the proposal and amongst its advice supports proposals which improve the City Centre environment and access for pedestrians, cyclists and public transport users. DCNP Policy T1 advises that development should be designed so that accesses and approach routes are accessible to all, giving the highest priority to walking, then cycling and public transport whilst meeting the needs of those with mobility impairments. Adverse transport impacts should be avoided. Development should be designed so as to be permeable for walkers, cyclists and public transport users, car traffic should be minimised and vehicle speeds discouraged.
107. Key relevant advice within the NPPF includes, at paragraph 102, that the potential impact of development on transport networks can be addressed and opportunities are pursued to promote walking, cycling and public transport. Paragraph 108 advises that safe and suitable access to the site should be achieved for all users and significant development on the transport network or highway safety should be cost effectively mitigated to an acceptable degree. Paragraph 110 seeks to prioritise pedestrian and cycle movements and reduce conflict with vehicles, allow for emergency access. Paragraph 109 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe.
108. Concerns raised as a result of the public consultation on the applications focus significantly upon the precise design of the junction and implications on amended shared use cycle and pedestrian footway provision. The key concerns and suggestions have been discussed with the Highway Authority.
109. The Highway Authority have raised no objections to either the replacement of the signalised junction with a priority access junction or the detailed design submitted. The Highway Authority are satisfied that the left-in/left-out turning movements only are safe for those vehicles entering and egressing the development with no unacceptable

adverse impact on the network and most particularly the operation of the Milburngate traffic light junction to the immediate south.

110. The Highway Authority consider that the design of the junction and associated highway works are not only acceptable from a safety perspective but in regards to balancing the needs of motorists, cyclists and pedestrians. Conclusions and discussion on some of the key public comments is given below.
111. In response to the concerns that right hand turns may still occur, the Highway Authority advise that an errant driving manoeuvre can never be ruled out. However, the junction has been designed to discourage any such effort, the signage to be erected prohibiting a right-hand turn are Department for Transport compliant and are enforceable by the police whilst the access is proposed for the use of residents only (and emergency evacuation) who will be familiar with its operation. Additional measures such as further physical impediments to a right-hand turn are considered unnecessary.
112. In response to requests that a raised table be incorporated on the junction, the Highway Authority advise that this would cause a road safety hazard as vehicles would be required to slow on approach to the feature off Framwelgate Peth.
113. In respect to the public concerns raised in regard to a perceived focus upon vehicles rather than cyclists and pedestrians, the extent to which carriageway widening is proposed and adequacy of the amended shared use footway, this should be considered in the context of the overall development which is approved and is being built-out and the existing/pre-development provision.
114. The Highway Authority advise that the widening of the carriageway at Framwelgate Peth is required to address future vehicular demand at the Milburngate junction and that failure to undertake these works would be likely to affect future peak hour queuing at City junctions. The width of the carriageway is directly linked to the flow of traffic movement and hinderance of the flow would not only affect private vehicles but also buses which are, like cycling and walking, a sustainable transport mode to be promoted.
115. The site constraints posed by Framwelgate Peth and the significant level change as land falls steeply to the east of Framwelgate Peth and into the development site have been long established. To facilitate the Framwelgate Peth junction, carriageway widening and amendments to the footway were known at the time of the grant of planning permission under DM/16/01228/FPA and discussed within the committee report. In the light of these constraints a specific condition was imposed the planning permission requiring a scheme of footway provision down Framwelgate Peth. This condition has previously been discharged with a shared use footway submitted, again generally showing a varying width of footway between 2.6m to 3m for most of the length. The proposals under this application are compliant with those submitted under the condition discharge albeit with some detailed amendments arising from the precise design processes undertaken through submissions to the Highway Authority under the necessary separate Highways Act agreements. Pre-development, the established footway running down Framwelgate Peth, which included a grass verge between it and the carriageway, had a tarmacked footway similar in width to that proposed under this application.
116. It is accepted that, a wider shared footway permitting more space for pedestrians and cyclists would be the ideal. However, the overall context must be considered, insofar as the proposed provision is not worsening from the established pre-development situation, the site is heavily constrained by levels to the east, the Framwelgate Peth access is a known and accepted feature of the development established by the past planning permissions and the shared footway along Framwelgate Peth shown on the

submitted plans has already previously been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority as part a condition discharge.

117. Public representations raised concern with the safety of the temporary arrangements for cyclists and pedestrians whilst the works take place , however, these arrangements were agreed separately by the Highway Authority through traffic management streetwork permits and the arrangements do not form a part of these planning application submissions.
118. Overall, the proposed amendments to the development to remove the requirement for a signalised junction are considered acceptable. The revised priority access junction would involve a left-in/left-out only arrangement which would provide safe and suitable access to the site. Within the context of the site and its constraints the proposals are considered to be providing appropriate arrangements for all transport modes and users and reducing conflict between them to an acceptable degree. As a result, the amendments are considered acceptable and compliant with CDP Policies 6, 21, 22 and 29, DCNP Policies S1, E3 and T1 and Part 9 of the NPPF.

#### Other Matters

119. The nature of the proposed variation to conditions under these applications mean that their acceptability or otherwise revolve around highway safety and accessibility. Whilst in undertaking the junction and associated highway works the proposals would create a visual impact upon the locality and amenity impacts in the construction phase these are matters which have been considered before in the grant of previous planning permissions.
120. The Milburngate development includes the provision of residential units where obligations in relation to affordable housing and monies towards open space and recreation would ordinarily be required to mitigate the impacts of the development. Following an assessment of development viability which included the Council employing two independent consultants to appraise viability issues, it was accepted under the original grant of planning permission that the viability of the redevelopment was marginal and, as a result, affordable housing provision and open space/recreation provision was not sought at that time. However, so that the Council could retain the ability to review the viability of the site in the future a S106 legal agreement was entered into which included obligations that at certain trigger points viability reviews would be required. If it was demonstrated that the applicants profit exceeded a certain level then 50% of that surplus would be required to be paid to the Council for the provision of affordable housing and/or open space and recreation provision.
121. However, these viability requirements applied where either i) the development of the full planning permission did not commence within 2 years or ii) 2 years had passed and application for the reserved matters of the outline elements of the development had been received. With development of the full planning permission commencing within 2 years of the grant of planning permission and with the outline elements of the planning permission having now lapsed there is now no requirement for a S106 legal agreement.
122. The application site is underlain with minerals deposits with coal, river sand and gravel under and in the vicinity of the site. CDP Policy 56 seeks to ensure that non-minerals related development that would lead to the sterilisation of mineral resources does not occur unless certain circumstances or exemptions apply. One such exemption is where the application relates to a proposal to amend conditions attached to an existing planning permission as is the case here.

123. Some conditions imposed upon previous planning permissions have been discharged or partially discharged. In the event of the approval of the applications there would be the requirement to rationalise the suite of conditions applicable to each application to account for these condition discharges and ensure that the most up to date approved plans and documents are referenced. As the outline elements of planning permission DM/18/00896/VOC have now lapsed some conditions should also be rationalised/removed where they would no longer be relevant.

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## **CONCLUSION**

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

125. Paragraph 12 of the NPPF advises that where a planning application conflicts with an up to date development plan permission should not usually be granted. However, local planning authorities may make decisions that depart from a development plan where material considerations in a particular case indicate that the plan should not be followed.

126. In the determination of variation of condition applications (Section 73), the LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted (or that it should be granted unconditionally). If the variation sought is considered unacceptable then the application should be refused and the wording of the conditions on the previous planning permission would continue to subsist/apply to the development.

127. Though the planning policy context now applicable to the development has changed since the previous grants of planning permission, the redevelopment of the Milburngate site as a whole has been established with significant progression on site and this matter should not be revisited under this application. The focus of the consideration of the application should be on the impacts of the amendments to the planning permissions proposed and this in the light of the relevant up to date planning policy position.

128. The acceptability of the applications revolve around highway safety and accessibility issues. The applications have been assessed against the relevant policies of the CDP, the DCNP and NPPF. It is considered that the proposals accord with those policies. No objections to the development are raised on any other grounds material to the applications and approval is therefore recommended on each application.

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## **RECOMMENDATION**

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

### **DM/21/00154/VOC**

1. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations, mitigation measures and adherence to parameters contained therein:

(DM/16/01228/FPA and DM/18/00896/VOC)

2962-FBA-00-00-DR-A-05\_10-0\_101 P1 EXISTING SITE LOCATION

2962-FBA-00-00-DR-A-05\_10-0\_102 P1 EXISTING SITE LOCATION  
2962-FBA-00-B1-DR-A-00\_10-0B100 PROPOSED LEVEL B1 GA MASTERPLAN (31.0M A.O.D) P1.4  
2962-FBA-00-00-DR-A-00\_10-00000 PROPOSED LEVEL 00 GA MASTERPLAN (33.5M A.O.D) P1.6  
2962-FBA-00-01-DR-A-00\_10-00100 PROPOSED LEVEL 01 GA MASTERPLAN (36.5M A.O.D) P1.6  
2962-FBA-00-02-DR-A-00\_10-00200 P1.6 PROPOSED LEVEL 02 GA MASTERPLAN (39.5M A.O.D)  
2962-FBA-00-03-DR-A-00\_10-00300 PROPOSED LEVEL 03 GA MASTERPLAN (43M A.O.D) P1.4  
2962-FBA-00-04-DR-A-00\_10-00400 PROPOSED LEVEL 04 GA MASTERPLAN (46M A.O.D) P1.4  
2962-FBA-00-05-DR-A-00\_10-00500 PROPOSED LEVEL 05 GA MASTERPLAN (49M A.O.D) P1.4  
2962-FBA-00-06-DR-A-00\_10-00600 PROPOSED LEVEL 06 GA MASTERPLAN (52M A.O.D) P1.3  
2962-FBA-00-07-DR-A-00\_10-00700 PROPOSED LEVEL 07 GA MASTERPLAN (55M A.O.D) P1.3  
2962-FBA-00-08-DR-A-00\_10-00800 PROPOSED LEVEL 08 GA MASTERPLAN (58M A.O.D) P1.3  
2962-FBA-00-09-DR-A-00\_10-00900 PROPOSED LEVEL 09 GA MASTERPLAN (61M A.O.D) P1.3  
2962-FBA-00-10-DR-A-00\_10-01000 PROPOSED LEVEL 10 GA MASTERPLAN (64M A.O.D) P1.3  
2962-FBA-00-11-DR-A-00\_10-01100 PROPOSED LEVEL 11 GA MASTERPLAN (67M A.O.D) P1.1  
2962-FBA-00-12-DR-A-00\_10-01200 PROPOSED LEVEL 12 GA MASTERPLAN (70M A.O.D) P1.1  
2962-FBA-01-00-DR-A-00\_10-0\_40 REV P1 PHASE 1 BASEMENT ELEVATION ELEVATION B-B-SERVICE ENTRANCE  
FB-SK-2962-20.06.18-BH-02 SECTIONAL ELEVATION OF SERVICE YARD ENTRANCE - SECTION 73 AMENDMENT  
2962-FBA-01-00-DR-A-01\_10-1A\_51 BLOCK 1A ELEVATIONS P1.1  
2962-FBA-01-00-DR-A-01\_10-1B\_51 BLOCK 1B ELEVATIONS P2  
2962-FBA-01-00-DR-A-01\_10-1C\_51 BLOCK 1C ELEVATIONS P2  
2962-FBA-01-00-DR-A-01\_10-1D\_51 BLOCK 1D ELEVATIONS P2  
2962-FBA-01-00-DR-A-01\_10-1E\_51 BLOCK 1E ELEVATIONS P1.1  
2962-FBA-01-00-DR-A-01\_10-1F\_51 BLOCK 1F ELEVATIONS P2  
2962-FBA-00-00-DR-A-00\_10-0\_20 TYPICAL ROOF TERRACE BAY P1  
2962-FBA-00-00-DR-A-00\_10-0\_21 TYPICAL BAY P1  
2962-FBA-00-00-DR-A-00\_10-0\_22 TYPICAL DUPLEX BAY P1  
2962-FBA-00-00-DR-A-00\_10-0\_23 TYPICAL PLANT BAY P1  
2962-FBA-00-00-DR-A-00\_10-0\_24 TYPICAL LOFT BAY P1  
2962-FBA-00-00-DR-A-00\_10-0\_25 TYPICAL GABLE P1  
2962-FBA-00-00-DR-A-00\_10-0\_26 THREE BAYS P1  
2962-FBA-00-00-DR-A-00\_10-0\_27 TYPICAL ELEVATION BAY COMPOSITION P1  
2962-FBA-00-00-DR-A-25\_10-0\_11 TYPICAL EXTERNAL FACADE DETAIL P1  
2962-FBA-00-00-DR-A-00\_10-0\_01 PROPOSED SITE SECTION EAST P1.2  
2962-FBA-00-00-DR-A-00\_10-0\_02 PROPOSED SITE SECTIONS NORTH P1.2  
2962-FBA-00-00-DR-A-00\_10-0\_71 PROPOSED SITE ELEVATIONS EAST AND WEST P1.2  
2962-FBA-00-00-DR-A-00\_10-0\_72 PROPOSED SITE ELEVATIONS NORTH AND SOUTH P1.2  
2962-FBA-00-00-DR-A-00\_10-0\_75 PROPOSED OUTLINE SITE ELEVATION NORTH AND SOUTH P1.1  
2962-FBA-00-00-DR-A-00\_10-0\_76 SECTION THROUGH SIDEGATE P1  
2962-FBA-00-00-DR-A-00\_10-0\_77 SECTION LINE KEY P1  
2962-FBA-00-00-DR-A-00\_10-0\_78 BLOCK 1A ELEVATION WITH PROPOSED GATES DEVELOPMENT P1  
29622962-FBA-00-00-DR-A-05\_10-110 PLAN 1 - PHASING PARAMETER PLAN

29622962-FBA-00-00-DR-A-05\_10-113 PLAN 2 - BLOCK PARAMETER PLAN  
29622962-FBA-00-00-DR-A-05\_10-114 PLAN 3 - ACCESS AND CIRCULATION  
PARAMETER PLAN  
29622962-FBA-00-00-DR-A-05\_10-115 PLAN 4 - ZONAL DEVELOPMENT PARAMETER  
PLAN  
29622962-FBA-00-00-DR-A-05\_10-116 PLAN 5 - LANDSCAPE PARAMETER PLAN  
2962-FBA-00-00-DR-A-05\_10-117 PLAN 6 - BUILDING HEIGHT PARAMETER PLAN P1.1  
2962-FBA-01-00-DR-A-00\_10-0\_11 P1 DETAILED EXTRACT SHEET 1  
2962-FBA-01-00-DR-A-00\_10-0\_12 P1 DETAILED EXTRACT SHEET 2  
2962-FBA-01-00-DR-A-00\_10-0\_13 DETAILED EXTRACT SHEET 3  
2962-FBA-01-00-DR-A-00\_10-0\_14 P1 DETAILED EXTRACT SHEET 4  
2962-FBA-01-00-DR-A-00\_10-0\_15 P1 DETAILED EXTRACT SHEET 5  
2962-FBA-01-00-DR-A-00\_10-0\_16 DETAILED EXTRACT SHEET 6  
2962-FBA-01-00-DR-A-00\_10-0\_37 PHASE 1 BASEMENT ELEVATION P5  
2962-FBA-01-00-DR-A-00\_10-0\_38 PROPOSED EVERYMAN EXTERNAL ELEVATION P4  
2962-FBA-01-00-DR-A-00\_10-0\_39 PHASE 1 BASEMENT ELEVATION SIGNAGE  
STRATEGY P4  
FB/SK/2962/210916/JK05 PLANT ENCLOSURE SIGHT LINES  
FB/SK/2962/190916/SK01 ROOF GUARDING STRATEGY  
FB-SK-29 62-240816-JK02 UNIT 08 PLANT SOUTH-WEST SECTION  
16013/M/SK4 P5 MECHANICAL SERVICES ROOF LEVEL PLANT AREA  
MBG-COL-00-XX-DR-L-1004 Rev 02 LANDSCAPE MASTERPLAN  
6285 600 LANDSCAPE & PUBLIC REALM FRAMWELGATE SECTIONS  
6285 601 LANDSCAPE & PUBLIC REALM FRAMWELGATE RETAINING STRUCTURE  
ELEVATION  
MBG-COL-00-XX-DR-L-3002 REV 01 RIVERSIDE TERRACES SECTION W-E  
MBG-COL-00-XX-DR-L-3001 REV 01 RIVERSIDE TERRACES SECTION N-S  
AIA TPP PHASE 1 DEMO-SOUTH REV A (INSOFAR ONLY TO THE TREE WORKS WITHIN  
ZONE 1 AS DEFINED ON DWG 2962-FBA-00-00-DR-A-05\_10-115 REV P1)  
AIA TPP PHASE 1 DEMO-NORTH REV A (INSOFAR ONLY TO THE TREE WORKS WITHIN  
ZONE 1 AS DEFINED ON DWG 2962-FBA-00-00-DR-A-05\_10-115 REV P1)  
AIA TPP PHASE 1 CONS-SOUTH REV A (INSOFAR ONLY TO THE TREE WORKS WITHIN  
ZONE 1 AS DEFINED ON DWG 2962-FBA-00-00-DR-A-05\_10-115 REV P1)  
AIA TPP PHASE 1 CONS-NORTH REV A (INSOFAR ONLY TO THE TREE WORKS WITHIN  
ZONE 1 AS DEFINED ON DWG 2962-FBA-00-00-DR-A-05\_10-115 REV P1)  
2962-FBA-VH-03-DR-A-00\_00-VH52 Rev P1 CAR PARK VENT HOUSING DRAWINGS  
5162523-ATK-HKF-XX-DR-CH-0001 Rev T5 MASTERPLAN KERBS, FOOTWAYS AND  
PAVED AREAS  
AIR QUALITY RESPONSE DOCUMENT BY WSP PARSONS BRINCHERHOFF REF:  
700100294-803/L02JG AND ACCOMPANYING FIGURES 11.2-11.4  
BAT METHOD STATEMENT REVISED MAY 2016  
EXTENDED PHASE 1 REPORT APRIL 2015  
FRAMEWORK TRAVEL PLAN 70028015-02 JANUARY 2018  
UNIT 08 PLAN CLARIFICATIONS NOTE 19 SEPTEMBER 2016  
SMOKI SPECIFICATION SHEET  
NALAF ACOUSTIC SINGLE FANS TECHNICAL INFORMATION SHEET  
ALLAWAY ACOUSTICS LTD EQUIPMENT SCHEDULE  
HUBBARD CELLAR CONDITIONING SYSTEM SPECIFICATION  
FOSTER COLDSTORES SPECIFICATION SHEET  
DALKIN EXTERNAL CONDENSING UNIT SPECIFICATION  
AIRCLEAN FILTER MANUFACTURING SPECIFICATION  
ENERGY STATEMENT 28 SEPTEMBER 2018  
ARBORICULTURAL IMPACT ASSESSMENT REVISION A (INSOFAR ONLY TO THE TREE  
WORKS WITHIN ZONE 1 AS DEFINED ON DWG 2962-FBA-00-00-DR-A-05\_10-115 REV  
P1)  
ENVIRONMENTAL STATEMENT VOL 2 AMENDED APPENDIX 3.1 SCHEDULE OF  
DEVELOPMENT V9 (REVISED SEPTEMBER 2018)  
ENVIRONMENTAL STATEMENT VOL 2 AMENDED APPENDIX 10.1 FLOOD RISK  
ASSESSMENT 002 AUGUST 2016  
ENVIRONMENTAL STATEMENT VOL 1 FLOOD RISK AND HYDROLOGY MITIGATION  
MEASURES DETAILED AT 10.83 - 10.97

ENVIRONMENTAL STATEMENT VOL 1 AIR QUALITY MITIGATION MEASURES  
DETAILED AT 11.111 - 11.116  
ENVIRONMENTAL STATEMENT VOL 1 LIGHTING MITIGATION MEASURES DETAILED  
AT 12.75 - 12.81  
ENVIRONMENTAL STATEMENT VOL 2 APPENDIX 10.2 DRAINAGE STRATEGY  
FEBRUARY 2016  
MILBURNGATE HOUSE CAR PARK HIGHWAYS TECHNICAL NOTE BY WSP REF  
70028015  
TRANSPORT NOTE - SECTION 73 APPLICATION BY WSP REF 70028015  
MILBURNGATE HOUSE ADDENDUM FRA DATED 12 SEPTEMBER 2018  
MILBURNGATE HOUSE ADDENDUM FRA BY WSP RECEIVED 12 SEPTEMBER 2018  
ENVIRONMENTAL NOISE ASSESSMENT ADDENDUM BY WSP RECEIVED 22 MARCH  
2018  
DRAINAGE STRATEGY ADDENDUM 28 SEPTEMBER 2018  
AIR QUALITY REPORT ADDENDUM BY WSP RECEIVED 22 MARCH 2018

(DRC/20/00144)

DESIGN DEVELOPMENT NOTE AC05 REV 1 RECEIVED 11/06/2020

(DRC/19/00231)

STAIR DETAILS BLOCK 1E SHEET 1 MBG COL 1E XX DR L 4115 REV P01  
DETAILED LANDSCAPE LAYOUT BLOCK 1E MBG COL 1E XX DR L 2107 REV 04  
BALUSTRADE DETAILS BLOCK 1E SHEET 2 MBG COL 1E XX DR L 4151 REV P01  
BALUSTRADE DETAILS BLOCK 1E SHEET 1 MBG COL 1E 00 DR L 4150 REV P01  
PETH STAIRCASE MBG COL 1E XX DR L 6019 REV 02  
TREE PROTECTION PROPOSAL

(DRC/19/00091)

MILBURNGATE EMPLOYMENT AND SKILLS PLAN RECEIVED 12 MARCH 2019

(DRC/19/00214)

APPLICATION FOR SECTION 61 CONSENT (NOISE AND VIBRATION) DATED 14 JUNE  
2019 RECEIVED 18 JUNE 2019  
NOISE AND VIBRATION MANAGEMENT PLAN DATED 13 JUNE 2019 RECEIVED 18 JUNE  
2019  
APPENDIX AND DOCUMENT 1 CONSTRUCTION MANAGEMENT PLAN PRO FORMA  
PAGES 1-9 OF DOCUMENT RECEIVED 8 OCTOBER 2019  
MILBURNGATE HDV ANALYSIS DATED MAY 2019 PAGES 20-40 OF DOCUMENT  
RECEIVED 8 OCTOBER 2019  
CONSTRUCTION LOGISTICS AND TRAFFIC MANAGEMENT PLAN DATED MARCH 2019  
PAGES 10-19 OF DOCUMENT RECEIVED 8 OCTOBER 2019  
QUERY CLARIFICATIONS DOCUMENT IN RESPONSE TO MONITORING AND  
COMPLIANCE OFFICER DATED 27 JANUARY 2020 RECEIVED 20 FEBRUARY 2020  
CASELLA GUARDIAN2 ENVIRONMENTAL MONITORING SPECIFICATION SHEET  
RECEIVED 20 FEBRUARY 2020  
LEVEL 00 MASTERPLAN INDICATING MONITORING STATION LOCATIONS AND EMAIL  
CONFIRMING USE OF LOCATION 4 RECEIVED 28 MAY 2020  
CONSTRUCTION PHASE HEALTH AND SAFETY PLAN AND APPENDICES RECEIVED 1  
SEPTEMBER 2020

(DRC/19/00149)

DPP PLANNING COVER LETTER REF NW/LF/3119NE/L015 DATED 9 APRIL 2019 AND  
RECEIVED 16 MAY 2019

(DRC/19/00124)

MILBURNGATE HDV ANALYSIS RECEIVED 22 MAY 2019  
SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6016 P03  
RECEIVED 18 APRIL 2019  
SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6015 P03  
RECEIVED 18 APRIL 2019

SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6014 P01  
RECEIVED 29 MARCH 2019  
SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6013 P01  
RECEIVED 29 MARCH 2019  
SECTION 73 CONDITION 12 AIR QUALITY TECHNICAL NOTE RECEIVED 29 MARCH  
2019  
BLOCK 1D PRS PROPOSED APARTMENTS REQUIRING NOX FILTERS AND PURGE  
FANS MBGH-ATK-1D-XX-DR-M-571D23 P1 RECEIVED 17 MAY 2019  
BLOCK 1D PRS PROPOSED NOX FILTERS AND PURGE FAN VENTILATION LAYOUTS  
MBGH-ATK-1D-XX-DR-M-571D24 P1 RECEIVED 17 MAY 2019

(DM/21/00154/VOC)

PROPOSED ROAD TRAFFIC SIGNS SHEET 4 5162523-ATK-HSN-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
PROPOSED ROAD TRAFFIC SIGNS SHEET 3 5162523-ATK-HSN-L3-DR-CH-0003 REV C1  
RECEIVED 17 MARCH 2021  
PROPOSED ROAD MARKINGS SHEET 4 5162523-ATK-HMK-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
PROPOSED ROAD MARKINGS SHEET 3 5162523-ATK-HMK-L3-DR-CH-0003 REV C2  
RECEIVED 17 MARCH 2021  
KERBS, FOOTWAYS AND PAVED AREAS SHEET 4 5162523-ATK-HKF-L3-DR-CH-0004  
REV C1 RECEIVED 17 MARCH 2021  
KERBS, FOOTWAYS AND PAVED AREAS SHEET 3 5162523-ATK-HKF-L3-DR-CH-0003  
REV C2 RECEIVED 17 MARCH 2021  
GENERAL ARRANGEMENT SHEET 4 5162523-ATK-HGN-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
GENERAL ARRANGEMENT SHEET 3 5162523-ATK-HGN-L3-DR-CH-0003 REV C2  
RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 4 5162523-ATK-HFE-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 3 5162523-ATK-HFE-L3-DR-CH-0003 REV C1  
RECEIVED 17 MARCH 2021  
DRAINAGE SHEET 4 5162523-ATK-HDG-L3-DR-CH-0004 REV C2 RECEIVED 17 MARCH  
2021  
DRAINAGE SHEET 3 5162523-ATK-HDG-L3-DR-CH-0003 REV C3 RECEIVED 17 MARCH  
2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDP Policies 6, 9, 15, 19, 21, 22, 25, 26, 27, 29, 30, 31, 32, 35, 36, 39, 40, 41, 43, 44, 45 AND 56 DCNP Policies S1, S2, H1, H2, G1, E3, E4, E6, D2, D3, D4, T1, T2 and T3 and Parts 2, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF.

2. All tree protection, tree works and tree removals within Zone 1 (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1) shall be undertaken in accordance with AIA TPP Phase 1 Demo-South Rev A, AIA TPP Phase 1 Demo-North Rev A, AIA TPP Phase 1 Cons- South Rev A, AIA TPP Phase 1 Cons-North Rev A and Arboricultural Impact Assessment Revision A. All trees and hedges agreed for retention within that Zone shall be protected in accordance with the protection measures proposed within those approved documents and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works.

Tree works and tree removals are agreed only in regards to Zone 1 (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1).

Reason: In the interests of tree protection and visual amenity having regards to CDP Policies 6, 29, 39, 40, 44 and 45, DCNP Policies S1, H1, H2 and G1 and Parts 12, 15 and 16 of the NPPF.

3. No development shall take place in Zone 1 (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1) unless in accordance with the Construction Management Plan (CMP) comprised of the following documentation:

Application for Section 61 Consent (Noise and Vibration) dated 14 June 2019 received 18 June 2019

Noise and Vibration Management Plan dated 13 June 2019 received 18 June 2019

Appendix and Document 1 Construction Management Plan Pro Forma pages 1-9 of document received 8 October 2019

Milburngate HDV Analysis dated May 2019 pages 20-40 of document received 8 October 2019

Construction Logistics and Traffic Management Plan dated March 2019 pages 10-19 of document received 8 October 2019

Query clarifications document in response to Monitoring and Compliance Officer dated 27 January 2020 received 20 February 2020

Casella Guardian2 Environmental Monitoring specification sheet received 20 February 2020

Level 00 Masterplan indicating monitoring station locations received 28 May 2020

Construction Phase Health and Safety Plan and Appendices received 1 September 2020

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDP Policies 6, 25, 29 and 31 and DCNP Policy S1 and Part 15 of the NPPF.

4. All works within Zone 1 (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1) shall be undertaken in accordance with the employment skills proposals contained within the "Milburngate Employment and Skills Plan received 12 March 2019".

Reason: In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF.

5. No development works other than demolition, preliminary site excavation, enabling and remedial works within Zones 1, 2 and 3 (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1) and the building of foundations and the erection of any supporting structural frame to any block within Zone 1 shall take place until full details of the following for the Zone 1 development have been submitted to and approved by the Local Planning Authority;
  - i) Details of the cycle/motorcycle parking provision and facilities
  - ii) Details of a signing strategy for cyclists in regards to the cycle parking provision
  - iii) Details of the provision of electric vehicle charge points/electric vehicle parking provision

Thereafter the parking provision and signage strategy for Zone 1 must be carried out in accordance with the approved details and be implemented prior to the first occupation of the development.

Reason: In the interests of integrating sustainable transport measures into the development having regards to CDP Policies 21 and 22, DCNP Policies S1 and T1 and Part 9 of the NPPF.

6. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to any block within Zone 1 shall take place until a detailed landscaping scheme for Zone 1 of the development as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1 has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention

Details of soft landscaping including planting species, sizes, layout, densities, numbers

Details of planting procedures or specification

Finished topsoil levels and depths

Details of temporary topsoil and subsoil storage provision

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

Details of hard landscaping and public realm works  
Details of means of enclosure including retaining walls

Details of the long term management proposals and details of the timescales of the implementation of the landscaping proposals shall also be submitted.

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

Thereafter Zone 1 of the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity having regards to CDP Policies 6, 29, 39, 44 and 45, DCNP Policies S1, H1, H2 and G1 and Parts 12 and 15 of the NPPF.

7. The construction of Block 1D must incorporate the approved car park ventilation air quality pollutants measures contained in the following documents;

Section 73 Condition 12 Air Quality Technical Note received 29 March 2019

Block 1D PRS Proposed Apartments Requiring Nox Filters and Purge Fans MBGH-ATK-1D-XX-DR-M-571D23 P1 received 17 May 2019

Block 1D PRS Proposed Nox Filters and Purge Fan Ventilation Layouts MBGH-ATK-1D-XX-DR-M-571D24 P1 received 17 May 2019

Reason: In the interest of reducing impacts upon air quality having regards to CDP Policy 31, DCNP Policy S1 and Part 15 of the NPPF.

8. No development works other than demolition, preliminary site excavation, enabling and remedial works within Zones 1, 2 and 3 (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1) and the building of foundations and the erection of any supporting structural frame to any block within Zone 1 shall take place until a detailed design including floorplans and elevations for the provision of a pedestrian connection/link between the application site and the adjacent Gates shopping centre based upon the details shown on drawing 2962-FBA-00-01-DR-A-00\_10-00101 has been submitted to and approved by the Local Planning Authority.

Thereafter the development must not be occupied until the approved connection/link has been completed and is available for use.

Reason: So as to ensure appropriate connectivity and accessibility having regards to CDP Policies 21, 22 and 29, DCNP S1 and T1 and Parts 9 and 12 of the NPPF.

9. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to any block within Zone 1 shall take place until full details including samples and sample panels of all external materials to be used for that block within Zone 1 (as defined on drawings 2962-FBA-00-00-DR-A-05\_10-115 Rev P1 and 29622962-FBA-00-00-DR-A-05\_10-113 Rev P1) of the development have been submitted to and approved by the Local Planning Authority. Thereafter Zone 1 of the development must be carried out in accordance with the approved details.

Reason: In interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDP Policies 6, 29, 39, 44 and 45, DCNP Policies S1, H1 and H2 and Parts 12 and 16 of the NPPF.

10. Advertisements proposed within the development hereby approved shall be designed in accordance with the design parameters contained within the advertisement strategy document "Milburngate Signage Strategy Statement February 2019 Rev B".

Reason: So as to ensure that that the approach to advertisements and signage within the development is sympathetic to its location and so as to preserve the character, appearance and setting of heritage assets having regards to CDP Policies 29, 44 and 45, DCNP Policies S1, H1 and H2 and Parts 12 and 16 of the NPPF.

11. No development works within Zone 1 of the development (as defined on drawing 2962-FBA-00-00-DR-A-05\_10-115 Rev P1) in relation to the approved A1, A2, A3, A4, A5, B1, C3, D1 and D2 use classes (but excluding D2 gymnasium) shall take place unless in accordance with the approved scheme of vibration proofing measures "Design Development Note AC05 Rev 1 received 11/06/2020".

No D2 gymnasium use may be occupied until a scheme of vibration proofing measures has been first submitted to and then approved by the Local Planning Authority. The aim of the scheme shall be to ensure that any structural borne vibration between any D2 gymnasium use and separate/adjoining residential properties shall not exceed a vibration dose value of 0.2 (0700-23.00) and 0.1 (23.00-0700). Thereafter the approved scheme shall be carried out prior to the occupation of any D2 gymnasium use.

Reason: In the interests of preserving the residential amenity of site occupiers having regards to CDP Policy 31 and Part 15 of the NPPF.

12. No development works other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to any block shall take place until a scheme of sound insulation and tenant management measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the measures shall be to ensure that the tenants maximum operating noise limits, in conjunction with the sound insulation of walls, floors windows and ceilings between the commercial units and separate/adjoining residential properties shall be sufficient such that commercial noise does not exceed NR 20 (23.00-07.00) and NR 30 (07.00-23.00) (both measured as an Leq,5mins and assessed between 63Hz and 8kHz) within habitable areas of dwellings. The approved schemes shall be carried out prior to the occupation of the applicable Zones of the development and maintained thereafter.

Reason: In the interests of preserving the residential amenity of site occupiers having regards to CDP Policies 6, 29 and 31, DCNP Policy S1 and Part 15 of the NPPF.

13. No development works pursuant to the erection of the units for residential occupation shall take place until a detailed scheme of noise mitigation measures for the residential units has been first submitted to and then approved by the Local Planning Authority. The noise mitigation shall demonstrate 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 LAmx in bedrooms during the night-time more than 10-15 times per night (as per World Health Organisation guidelines)

55dB LAeq 16hr in outdoor formal amenity areas

The development shall thereafter be carried out in accordance with the approved mitigation measures and maintained thereafter.

Reason: So as to protect future occupiers from road traffic noise in the interests of residential amenity having regards to CDP Policies 6, 29 and 31, DCNP Policy S1 and Part 15 of the NPPF.

14. Notwithstanding details submitted on plans and documentation (except for the specific details pursuant to Unit no. 8 which are approved in detail) prior to the occupation of any A3/A4/A5 unit, or that particular unit, details of the fume extraction system to be utilised within any A3/A4/A5 unit or that particular unit, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the

control of odour and noise from commercial kitchen exhaust systems shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the use commencing on any A3/A4/A5 unit or that particular unit and shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interests of preserving the residential amenity of site occupiers having regards to CDP Policies 6, 29, 30 and 31, DCNP Policy S1 and Part 15 of the NPPF.

15. Prior to the occupation of the development a final external lighting scheme and associated lighting impact assessment, shall be submitted and approved by the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided and having regards to the location of the site within Environmental Zone 3 in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light:

- A description of the proposed lighting units including height, type, angling and power output for all lighting
- Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.

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

Thereafter the development shall be carried out in accordance with the approved schemes and assessments.

Reason: In the interests of preserving residential amenity and preserving the character, appearance and setting of heritage assets having regards to CDP Policies 6, 29, 31, 44 and 45, DCNP Policies S1, H1 and H2 and Parts 12, 15 and 16 of the NPPF.

16. The development hereby approved shall not be occupied until details of an operational strategy for the proposed Framwelgate Peth access junction has been submitted to and approved in writing by the Local Planning Authority. Thereafter the junction shall be operated in accordance with the approved details.

Reason: In the interests of highway safety having regards to CDP Policies 21 and 29, DCNP Policy T1 and Part 9 of the NPPF.

17. The opening/operating hours of the D2 cinema use hereby approved must accord with the details contained within the DPP Planning Cover Letter ref NW/LF/3119ne/L015 dated 9 April 2019 and received 16 May 2019 which confirms the opening/operating hours as:

Monday - 08:00am - 00:30am  
Tuesday - 08:00am - 00:30am  
Wednesday - 08:00am - 00:30am  
Thursday - 08:00am - 00:30am  
Friday - 08:00am - 01:30am  
Saturday - 08:00am - 01:30am  
Sunday - 08:00am - 00:30am

The opening hours will be extended by one additional hour (1 hour extension on closing time) on all Bank Holidays (New Year's Day; Good Friday; Easter Monday; Early May Bank Holiday; Spring Bank Holiday; Summer Bank Holiday; Christmas Day; Boxing Day) and the day prior to a Bank Holiday.

Prior to the occupation of any other unit to be utilised within the A3, A4, A5, D1 and D2 use classes hereby approved details of the proposed opening/operating hours of the units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the units shall operate in accordance with the approved details.

Reason: To define the consent and in the interests of residential amenity having regards to CDP Policies 6, 29, 30 and 31, DCNP Policy S1 and Parts 8 and 15 of the NPPF.

18. The provision of the proposed junction on Framwelgate Peth and associated highways works shall be carried out in accordance with the following plans

PROPOSED ROAD TRAFFIC SIGNS SHEET 4 5162523-ATK-HSN-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
PROPOSED ROAD TRAFFIC SIGNS SHEET 3 5162523-ATK-HSN-L3-DR-CH-0003 REV C1  
RECEIVED 17 MARCH 2021  
PROPOSED ROAD MARKINGS SHEET 4 5162523-ATK-HMK-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
PROPOSED ROAD MARKINGS SHEET 3 5162523-ATK-HMK-L3-DR-CH-0003 REV C2  
RECEIVED 17 MARCH 2021  
KERBS, FOOTWAYS AND PAVED AREAS SHEET 4 5162523-ATK-HKF-L3-DR-CH-0004  
REV C1 RECEIVED 17 MARCH 2021  
KERBS, FOOTWAYS AND PAVED AREAS SHEET 3 5162523-ATK-HKF-L3-DR-CH-0003  
REV C2 RECEIVED 17 MARCH 2021  
GENERAL ARRANGEMENT SHEET 4 5162523-ATK-HGN-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
GENERAL ARRANGEMENT SHEET 3 5162523-ATK-HGN-L3-DR-CH-0003 REV C2  
RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 4 5162523-ATK-HFE-L3-DR-CH-0004 REV C1  
RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 3 5162523-ATK-HFE-L3-DR-CH-0003 REV C1  
RECEIVED 17 MARCH 2021  
DRAINAGE SHEET 4 5162523-ATK-HDG-L3-DR-CH-0004 REV C2 RECEIVED 17 MARCH  
2021  
DRAINAGE SHEET 3 5162523-ATK-HDG-L3-DR-CH-0003 REV C3 RECEIVED 17 MARCH  
2021

The works shall be complete prior to the junction being brought into use.

Reason: In the interests of highway safety having regards to CDP Policies 21 and 29, DCNP Policy T1 and Part 9 of the NPPF.

19. No operational phase machinery or plant shall be operated until a detailed noise impact assessment and scheme of sound attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant and machinery on the site shall not exceed the representative daytime background (LA90, 1hour) by more than 5dB between 07.00-23.00 and the representative night-time background (LA90, 15mins) by more than 0dB between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The development shall then be carried out and maintained in accordance with the approved measures.

Reason: In the interests of residential amenity having regards to CDP Policy 31, DCNP Policy S1 and Part 15 of the NPPF.

20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2016 FRA\_002 and Milburngate House Addendum FRA by WSP dated 12 September 2018 including the following mitigation measures detailed therein:

i) Provision of compensatory flood storage as described in section 5.2.4, 5.2.5 and 6.3 of the FRA.

- ii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- iii) Finished floor levels are set no lower than 33.5m above Ordnance Datum (AOD).
- iv) The "cinema" area itself can be at a level lower than 33.5m AOD but all potential routes into the cinema should be protected no lower than the 33.5m AOD.

Reason: In the interests of flood prevention and so as to ensure safe access to and egress from and to the site having regards to CDP Policy 35, DCNP Policy S1 and Part 14 of the NPPF.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking or re-enacting that Order, no changes of use permitted under Classes G, I and T of Part 3 under Schedule 2 shall be undertaken without the grant of further specific planning permission from the Local Planning Authority.

Reason: So that the Local Planning Authority can exercise further control in regards to the impacts of these changes of use.

22. No development works pursuant to the development hereby approved shall take place outside the hours of 7.30am - 6pm Monday to Friday (inclusive) and 8am - 1pm on a Saturday with no works on any Sunday or Bank Holiday.

Reason: To define the consent and in the interests of the amenity of neighbouring occupiers having regards to CDP Policies 6, 25, 29 and 31, DCNP Policy S1 and Part 15 of the NPPF.

#### **DM/21/0155/VOC**

1. The development hereby permitted shall be begun before 20/12/2021.

Reason: To ensure planning permissions are not extended by Section 73 applications and that the time limit remains consistent to the original consent DM/18/02924/FPA and 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 not be occupied until the structure of the podium, car parking provision, plant, core, circulation and servicing areas at levels B1, 00 and 01 (the development podium / platform) as defined on drawings 2962-FBA-00-B1-DR-A-00\_10-0B103 P1, 2962-FBA-1A-00-DR-A-00\_10-1A000 Rev P4, 2962-FBA-00-00-DR-A-00\_10-00003 P1 and 2962-FBA-00-01-DR-A-00\_10-00103 P1 are completed to a point that the Block 1e building can be adequately serviced in accordance with the Schedule of Works contained in the following documentation;

Tolent Cover Letter 31st March 2020 received 16.04.2020  
2962-FBA-1A-00-DR-A-00\_10-1A000 P4 Level 00 received 05.05.2020  
2962-FBA-00-00-DR-K-10\_20\_0008 P2 Level 00 Plan received 05.05.2020  
2962-FBA-00-01-DR-K-10\_20\_0108 P2 Level 01 Plan received 05.05.2020  
2962-FBA-00-02-DR-K-10\_20\_0208 P2 Level 02 Plan received 05.05.2020

Reason: To ensure that necessary supporting infrastructure and development to serve the development hereby approved is undertaken prior to the commencement of the development hereby approved having regards to CDP Policies 6, 8, 21, 22, 29 and 35, DCNP Policies S1 and T1 and Parts 2, 6, 8, 9, 12 and 14 of the NPPF.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations, mitigation measures and adherence to parameters contained therein:

(DM/16/01228/FPA and DM/18/02924/FPA)  
3503\_FBA-00-00-DR-A-05\_10\_300 REV P4 MASTERPLAN - 1E SITE BOUNDARY PLAN

3503-FBA-00-00-DR-A-05\_10\_104 P4 1E OFFICE LOCATION PLAN  
3503-FBA-00-10-DR-A-05\_10-1000 P4 SITE PLAN  
3503-FBA-00-03-DR-A-05\_10-301 P3 SITE PLAN LEVEL 03  
3503\_FBA-00-03-DR-A-00\_00\_300 P3 LEVEL 03 GA FLOOR PLAN  
3503-FBA-00-04-DR-A-00\_00\_400 P3 LEVEL 04 GA FLOOR PLAN  
3503\_FBA-00-05-DR-A-00\_00\_500 P3 LEVEL 05 GA FLOOR PLAN  
3503-FBA\_00\_06\_DR\_A\_00\_00\_600 P3 LEVEL 06 GA FLOOR PLAN  
3503-FBA-00-07-DR-A-00\_00\_700 P3 LEVEL 07 GA FLOOR PLAN  
3503\_FBA-00-08-DR-A-00\_00\_800 P4 LEVEL 08 GA FLOOR PLAN  
3503-FBA-00-10-DR-A-00\_00\_900 P4 ROOF LEVEL GA FLOOR PLAN  
3503-FBA-00-XX-DR-A-00\_00\_70 P3 GA SECTION 01  
3503-FBA-00-XX-DR-A-00\_00\_71 P3 GA SECTION 02  
3503-FBA-00-XX-DR-1-00\_00\_72 P3 GA SECTION 03  
3503-FBA-00-XX-DR-A-00\_00\_73 P3 GA SECTION 04  
3503-FBA-00-XX-DR-AA-00\_00\_63 P3 SITE ELEVATIONS NE AND E1  
3503-FBA-00-XX-DR-A-00\_00\_62 P3 SITE ELEVATIONS NORTH AND SOUTH  
3503-FBA-00-XX-DR\_A-00\_00\_61 P3 SITE ELEVATIONS EAST AND WEST  
3503-FBA-00-XX-DR-A-00\_00\_55 P4 PROPOSED WEST ELEVATION  
3503-FBA-00-XX-DR-A-00\_00\_53 P4 PROPOSED SOUTH ELEVATION  
3503\_FBA-00-XX-DR-A-00\_00\_52 P4 PROPOSED EAST ELEVATION  
3503-FBA-00-XX-DR-A-00\_00\_50 P4 PROPOSED NORTH ELEVATION  
3503-FBA-00-XX-DR-A-00\_00\_51 P4 PROPOSED NORTH ELEVATION (TRUE)  
3503-FBA-00-XX-DR-A-00\_00\_01 P3 SITE SECTION A AND B  
MBG-COL-1E-XX-DR-L-1006 P2 LANDSCAPE MASTERPLAN BLOCK 1E  
2962-FBA-00-00-DR-A-00\_10-00003 P1 PROPOSED LEVEL 00 GA MASTERPLAN (33.5M  
A.O.D)  
2962-FBA-00-01-DR-A-00\_10-00103 P1 PROPOSED LEVEL 01 GA MASTERPLAN (36.5M  
A.O.D)  
2962-FBA-00-B1-DR-A-00\_10-0B103 P1 PROPOSED LEVEL B1 GA MASTERPLAN (31.0M  
A.O.D)  
RETAINED TREES SHOWN ON PROPOSED LAYOUT WITH PROTECTIVE MEASURES  
INDICATED AIA TPP REV E  
ES APPENDIX 10.1 FLOOD RISK ASSESSMENT AUGUST 2016  
ES APPENDIX 10.1 FLOOD RISK ASSESSMENT MODELLING APPENDIX B  
ES VOL 1 FLOOD RISK AND HYDROLOGY MITIGATION MEASURES DETAILED AT 10.83  
- 10.97  
ES VOL 1 LIGHTING MITIGATION MEASURES DETAILED AT 12.75 - 12.81  
WSP MILBURNGATE - BLOCK 1E FULL PLANNING APPLICATION FLOOD RISK  
ASSESSMENT  
ADDENDUM TO ENERGY STATEMENT FOR BLOCK 1E OFFICE 07 SEPTEMBER 2018  
REV 4.0  
MILBURNGATE HOUSE BLOCK 1E AIR QUALITY ASSESSMENT 11 SEPTEMBER 2018  
MILBURNGATE BLOCK 1E NOISE IMPACT ASSESSMENT 5 SEPTEMBER 2018  
ATKINS DRAINAGE STRATEGY ADDENDUM (1A) 29 AUGUST 2018  
ES APPENDIX 10.2 DRAINAGE STRATEGY  
BAT METHOD STATEMENT MAY 2016  
EXTENDED PHASE 1 REPORT APRIL 2015  
ES VOL 2 AMENDED APPENDIX 3.1 SCHEDULE OF DEVELOPMENT V9 (REVISED JUNE  
2018)  
ARBORICULTURAL IMPACT ASSESSMENT REVISION E

(DRC/20/145)

TOLANT COVER LETTER 31ST MARCH 2020 RECEIVED 16.04.2020  
2962-FBA-00-00-DR-K-10\_20\_0008 P2 LEVEL 00 PLAN RECEIVED 05.05.2020  
2962-FBA-00-01-DR-K-10\_20\_0108 P2 LEVEL 01 PLAN RECEIVED 05.05.2020  
2962-FBA-00-02-DR-K-10\_20\_0208 P2 LEVEL 02 PLAN RECEIVED 05.05.2020  
2962-FBA-00-00-DR-A-00\_10-00003 P1 00 GA MASTERPLAN RECEIVED 05.05.2020

DRC/19/00230

STAIR DETAILS BLOCK 1E SHEET 1 MBG COL 1E XX DR L 4115 REV P01  
DETAILED LANDSCAPE LAYOUT BLOCK 1E MBG COL 1E XX DR L 2107 REV 04

BALUSTRADE DETAILS BLOCK 1E SHEET 2 MBG COL 1E XX DR L 4151 REV P01  
BALUSTRADE DETAILS BLOCK 1E SHEET 1 MBG COL 1E 00 DR L 4150 REV P01  
PETH STAIRCASE MBG COL 1E XX DR L 6019 REV 02  
TREE PROTECTION PROPOSAL

(DRC/19/00215)

APPLICATION FOR SECTION 61 CONSENT (NOISE AND VIBRATION) DATED 14 JUNE 2019 RECEIVED 18 JUNE 2019

NOISE AND VIBRATION MANAGEMENT PLAN DATED 13 JUNE 2019 RECEIVED 18 JUNE 2019

APPENDIX AND DOCUMENT 1 CONSTRUCTION MANAGEMENT PLAN PRO FORMA PAGES 1-9 OF DOCUMENT RECEIVED 8 OCTOBER 2019

MILBURNGATE HDV ANALYSIS DATED MAY 2019 PAGES 20-40 OF DOCUMENT RECEIVED 8 OCTOBER 2019

CONSTRUCTION LOGISTICS AND TRAFFIC MANAGEMENT PLAN DATED MARCH 2019 PAGES 10-19 OF DOCUMENT RECEIVED 8 OCTOBER 2019

QUERY CLARIFICATIONS DOCUMENT IN RESPONSE TO MONITORING AND COMPLIANCE OFFICER DATED 27 JANUARY 2020 RECEIVED 20 FEBRUARY 2020

CASELLA GUARDIAN2 ENVIRONMENTAL MONITORING SPECIFICATION SHEET RECEIVED 20 FEBRUARY 2020

LEVEL 00 MASTERPLAN INDICATING MONITORING STATION LOCATIONS AND EMAIL CONFIRMING USE OF LOCATION 4 RECEIVED 28 MAY 2020

CONSTRUCTION PHASE HEALTH AND SAFETY PLAN AND APPENDICES RECEIVED 1 SEPTEMBER 2020

(DRC/19/00126)

MILBURNGATE HDV ANALYSIS RECEIVED 22 MAY 2019

SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6016 P01 RECEIVED 29 MARCH 2019

SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6015 P01 RECEIVED 29 MARCH 2019

SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6014 P01 RECEIVED 29 MARCH 2019

SCHEME OF PEDESTRIAN AND CYCLING PROVISION MBG-COL-00-XX-DR-L-6013 P01 RECEIVED 29 MARCH 2019

(DRC/19/00090)

MILBURNGATE EMPLOYMENT AND SKILLS PLAN RECEIVED 12 MARCH 2019

(DRC/20/00220)

ACOUSTIC REPORT FOR CONDITION 13 OF DM/18/02924/FPA REV 0 RECEIVED 01.07.2020

(DM/21/00155/VOC)

PROPOSED ROAD TRAFFIC SIGNS SHEET 4 5162523-ATK-HSN-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021

PROPOSED ROAD TRAFFIC SIGNS SHEET 3 5162523-ATK-HSN-L3-DR-CH-0003 REV C1 RECEIVED 17 MARCH 2021

PROPOSED ROAD MARKINGS SHEET 4 5162523-ATK-HMK-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021

PROPOSED ROAD MARKINGS SHEET 3 5162523-ATK-HMK-L3-DR-CH-0003 REV C2 RECEIVED 17 MARCH 2021

KERBS, FOOTWAYS AND PAVED AREAS SHEET 4 5162523-ATK-HKF-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021

KERBS, FOOTWAYS AND PAVED AREAS SHEET 3 5162523-ATK-HKF-L3-DR-CH-0003 REV C2 RECEIVED 17 MARCH 2021

GENERAL ARRANGEMENT SHEET 4 5162523-ATK-HGN-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021

GENERAL ARRANGEMENT SHEET 3 5162523-ATK-HGN-L3-DR-CH-0003 REV C2 RECEIVED 17 MARCH 2021

PEDESTRAIN GUARD RAIL SHEET 4 5162523-ATK-HFE-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 3 5162523-ATK-HFE-L3-DR-CH-0003 REV C1 RECEIVED 17 MARCH 2021  
DRAINAGE SHEET 4 5162523-ATK-HDG-L3-DR-CH-0004 REV C2 RECEIVED 17 MARCH 2021  
DRAINAGE SHEET 3 5162523-ATK-HDG-L3-DR-CH-0003 REV C3 RECEIVED 17 MARCH 2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDP Policies 6, 21, 22, 25, 26, 29, 30, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 45, DCNP Policies S1, S2, H1, H2, G1, T1, T2 and T3 and Parts 2, 4, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF.

4. No development shall take place nor any site cabins, materials or machinery be brought on site until all trees and hedges agreed for retention as detailed on Retained Trees Shown on Proposed Layout With Protective Measures Indicated AIA TPP Rev E and as referenced within the Arboricultural Impact Assessment Revision E are protected in accordance with the protection measures proposed within those approved documents and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of tree protection and visual amenity having regards to CDP Policies 6, 29, 39, 40, 44 and 45, DCNP Policies S1, H1, H2 and G1 and Parts 12, 15 and 16 of the NPPF.

5. No development shall take unless in accordance with the Construction Management Plan (CMP) comprised of the following documentation;

Application for Section 61 Consent (Noise and Vibration) dated 14 June 2019 received 18 June 2019

Noise and Vibration Management Plan dated 13 June 2019 received 18 June 2019

Appendix and Document 1 Construction Management Plan Pro Forma pages 1-9 of document received 8 October 2019

Milburngate HDV Analysis dated May 2019 pages 20-40 of document received 8 October 2019

Construction Logistics and Traffic Management Plan dated March 2019 pages 10-19 of document received 8 October 2019

Query clarifications document in response to Monitoring and Compliance Officer dated 27 January 2020 received 20 February 2020

Casella Guardian2 Environmental Monitoring specification sheet received 20 February 2020

Level 00 Masterplan indicating monitoring station locations received 28 May 2020

Construction Phase Health and Safety Plan and Appendices received 1 September 2020

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDP Policies 6, 25, 29 and 31 and CDNP Policy S1 and Part 15 of the NPPF.

6. All works shall be undertaken in accordance with the employment skills proposals contained within the "Milburngate Employment and Skills Plan received 12 March 2019".

Reason: In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF.

7. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- o Details of soft landscaping including plant species, sizes, layout, densities, numbers;
- o Details of planting procedures or specification;
- o Finished topsoil levels and depths;
- o Details of temporary topsoil and subsoil storage provision;
- o The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- o Details of hard landscaping and public realm works; and
- o Details of means of enclosure, including retaining walls;
- o Details of the long term management proposals including measures to ensure the replacement of trees or plants which die, fail to flourish or are removed and details of timescales of the implementation of the landscaping proposals shall also be submitted.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity having regards to CDP Policies 6, 29, 39, 44 and 45, DCNP Policies S1, H1, H2 and G1 and Parts 12 and 15 of the NPPF.

8. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame shall take place until full details including samples and sample panels of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: In interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDP Policies 6, 29, 39, 44 and 45, DCNP Policies S1, H1 and H2 and Parts 12 and 16 of the NPPF.

9. Notwithstanding details submitted within the submitted plans and documentation no development other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame shall take place until an advertisement and signage strategy for the development has been submitted to and approved by the Local Planning Authority.

Reason: So as to ensure that that the approach to advertisements and signage within the development is sympathetic to its location and so as to preserve the character, appearance and setting of heritage assets having regards to CDP Policies 29, 44 and 45, DCNP Policies S1, H1 and H2 and Parts 12 and 16 of the NPPF.

10. No development works in relation to the approved A1, A3 and B1 and D2 use classes (but excluding D2 gymnasium) shall take place unless in accordance with the approved scheme of sound insulation measures "Acoustic Report for Condition 13 of DM/18/02924/FPA Rev 0 received 01.07.2020".

No D2 gymnasium use may be occupied until a scheme of noise insulation measures has been first submitted to and then approved by the Local Planning Authority. The aim of the measures shall be to ensure that the D2 gymnasium use maximum operating noise limits, in conjunction with the sound insulation of walls, floors windows and ceilings between adjoining noise sources/external noise sources and separate/adjoining B1 use properties shall be sufficient that noise does not exceed NR 40, or otherwise adhere to the noise levels stated in the British Council for Offices guide 2009. The approved schemes shall be carried out prior to the occupation of the development and maintained thereafter.

Reason: In the interests of preserving the amenity of site occupiers having regards to CDP Policy 31 and Part 15 of the NPPF.

11. Prior to the occupation of any A3 unit, or that particular unit, details all plant, extraction and ventilation to be utilised within any A3 unit or that particular unit, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA

guidance on the control of odour and noise from commercial kitchen exhaust systems shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the use commencing on any A3 unit or that particular unit and shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interests of preserving the residential amenity of site occupiers having regards to CDP Policies 6, 29, 30 and 31, DCNP Policy S1 and Part 15 of the NPPF.

12. Prior to the occupation of the development, a final external lighting scheme and associated lighting impact assessment shall be submitted and approved by the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided and having regards to the location of the site within Environmental Zone 3 in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light:

- o A description of the proposed lighting units including height, type, angling and power output for all lighting
- o Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- o Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.

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

Thereafter the development shall be carried out in accordance with the approved schemes and assessments.

Reason: In the interests of preserving residential amenity and preserving the character, appearance and setting of heritage assets having regards to CDP Policies 6, 29, 31, 44 and 45, DCNP Policies S1, H1 and H2 and Parts 12, 15 and 16 of the NPPF.

13. Prior to the occupation of any unit to be utilised within the A3 or D2 use classes hereby approved details of the proposed opening/operating hours of the units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the units shall operate in accordance with the approved details.

Reason: To define the consent and in the interests of residential amenity having regards to CDP Policies 6, 29, 30 and 31, DCNP Policy S1 and Parts 8 and 15 of the NPPF.

14. No operational plant shall be operated until a detailed noise impact assessment and scheme of sound attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme of attenuation measures shall ensure that that the rating level of noise emitted from plant at each location shall not exceed the noise levels stated below:

NSR	Time Period	Fixed Plant	Noise Limit	dB LAeq, T
1	- PRS block 1D and 1C	Daytime (07:00 23:00)	62	dB
1	- PRS block 1D and 1C	Night-time (23:00 07:00)	50	dB
2	Framwelgate Peth	Daytime (07:00 23:00)	62	dB
2	Framwelgate Peth	Night-time (23:00 07:00)	50	dB
3	Radisson Hotel	Daytime (07:00 23:00)	61	dB
3	Radisson Hotel	Night-time (23:00 07:00)	43	dB

The plant must be installed and operated in accordance with the sound attenuation measures.

Reason: In the interests of residential amenity having regards to CDP Policy 31, DCNP Policy S1 and Part 15 of the NPPF.

15. The provision of the proposed junction on Framwelgate Peth and associated highways works shall be carried out in accordance with the following plans

PROPOSED ROAD TRAFFIC SIGNS SHEET 4 5162523-ATK-HSN-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021  
PROPOSED ROAD TRAFFIC SIGNS SHEET 3 5162523-ATK-HSN-L3-DR-CH-0003 REV C1 RECEIVED 17 MARCH 2021  
PROPOSED ROAD MARKINGS SHEET 4 5162523-ATK-HMK-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021  
PROPOSED ROAD MARKINGS SHEET 3 5162523-ATK-HMK-L3-DR-CH-0003 REV C2 RECEIVED 17 MARCH 2021  
KERBS, FOOTWAYS AND PAVED AREAS SHEET 4 5162523-ATK-HKF-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021  
KERBS, FOOTWAYS AND PAVED AREAS SHEET 3 5162523-ATK-HKF-L3-DR-CH-0003 REV C2 RECEIVED 17 MARCH 2021  
GENERAL ARRANGEMENT SHEET 4 5162523-ATK-HGN-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021  
GENERAL ARRANGEMENT SHEET 3 5162523-ATK-HGN-L3-DR-CH-0003 REV C2 RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 4 5162523-ATK-HFE-L3-DR-CH-0004 REV C1 RECEIVED 17 MARCH 2021  
PEDESTRAIN GUARD RAIL SHEET 3 5162523-ATK-HFE-L3-DR-CH-0003 REV C1 RECEIVED 17 MARCH 2021  
DRAINAGE SHEET 4 5162523-ATK-HDG-L3-DR-CH-0004 REV C2 RECEIVED 17 MARCH 2021  
DRAINAGE SHEET 3 5162523-ATK-HDG-L3-DR-CH-0003 REV C3 RECEIVED 17 MARCH 2021

The works shall be complete prior to the junction being brought into use.

Reason: In the interests of highway safety having regards to CDP Policies 21 and 29, DCNP Policy T1 and Part 9 of the NPPF.

16. The development hereby approved shall not be occupied until details of an operational strategy for the proposed Framwelgate Peth access junction has been submitted to and approved in writing by the Local Planning Authority. Thereafter the junction shall be operated in accordance with the approved details.

Reason: In the interests of highway safety having regards to CDP Policies 21 and 29, DCNP Policy T1 and Part 9 of the NPPF.

17. Within 6 months of occupation a Final Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be complied with for the lifetime of the development.

Reason: In the interests of promoting sustainable travel options and reducing potential impacts upon air quality having regards CDP Policies 21 and 29, DCNP Policy T1 and Part 9 of the NPPF.

18. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2016 FRA\_002, the WSP Milburgate - Block 1E Full Planning Application Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- o Provision of compensatory flood storage as described in section 5.2.4, 5.2.5 and 6.3 of the FRA
- o Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- o Finished floor levels are set no lower than 33.5m above Ordnance Datum (AOD).

Reason: In the interests of flood prevention and so as to ensure safe access to and egress from and to the site having regards to CDP Policy 35, DCNP Policy S1 and Part 14 of the NPPF.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking or re-enacting that Order, no changes of use permitted under Classes G, I and T of Part 3 under Schedule 2 shall be undertaken without the grant of further specific planning permission from the Local Planning Authority.

Reason: So that the Local Planning Authority can exercise further control in regards to the impacts of these changes of use.

20. No development works pursuant to the development hereby approved shall take place outside the hours of 7.30am - 6pm Monday to Friday (inclusive) and 8am - 1pm on a Saturday with no works on any Sunday or Bank Holiday.

Reason: To define the consent and in the interests of the amenity of neighbouring occupiers having regards to CDP Policies 6, 25, 29 and 31, DCNP Policy S1 and Part 15 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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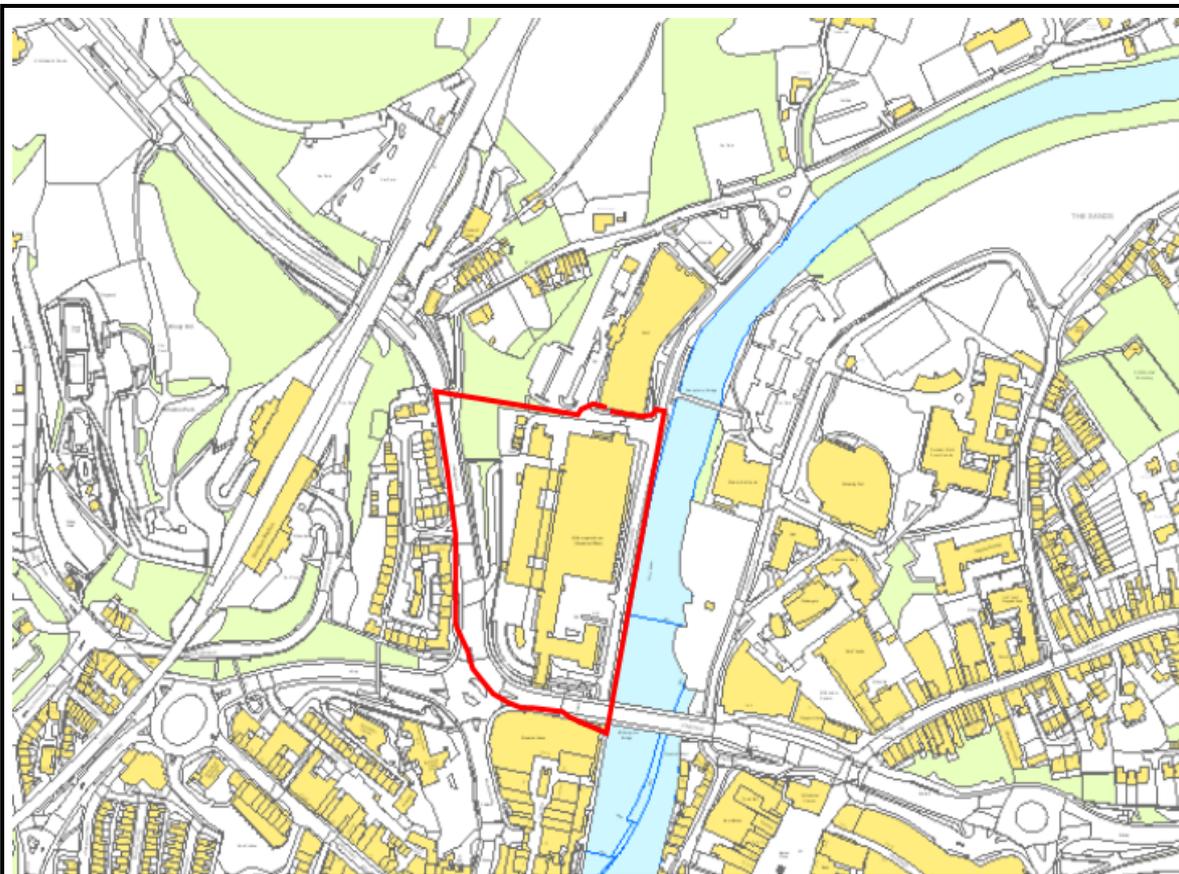
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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 and supporting documents provided by the applicant  
The National Planning Policy Framework  
National Planning Practice Guidance Notes  
County Durham Plan  
Durham City Neighbourhood Plan  
Statutory, internal and public consultation responses



**Planning Services**

DM/21/0154/VOC

Variation of conditions 22 (Framwelgate Peth access strategy) and 24 (Framwelgate Peth junction design) of DM/18/00896/VOC to remove requirement for signalisation and agree junction design

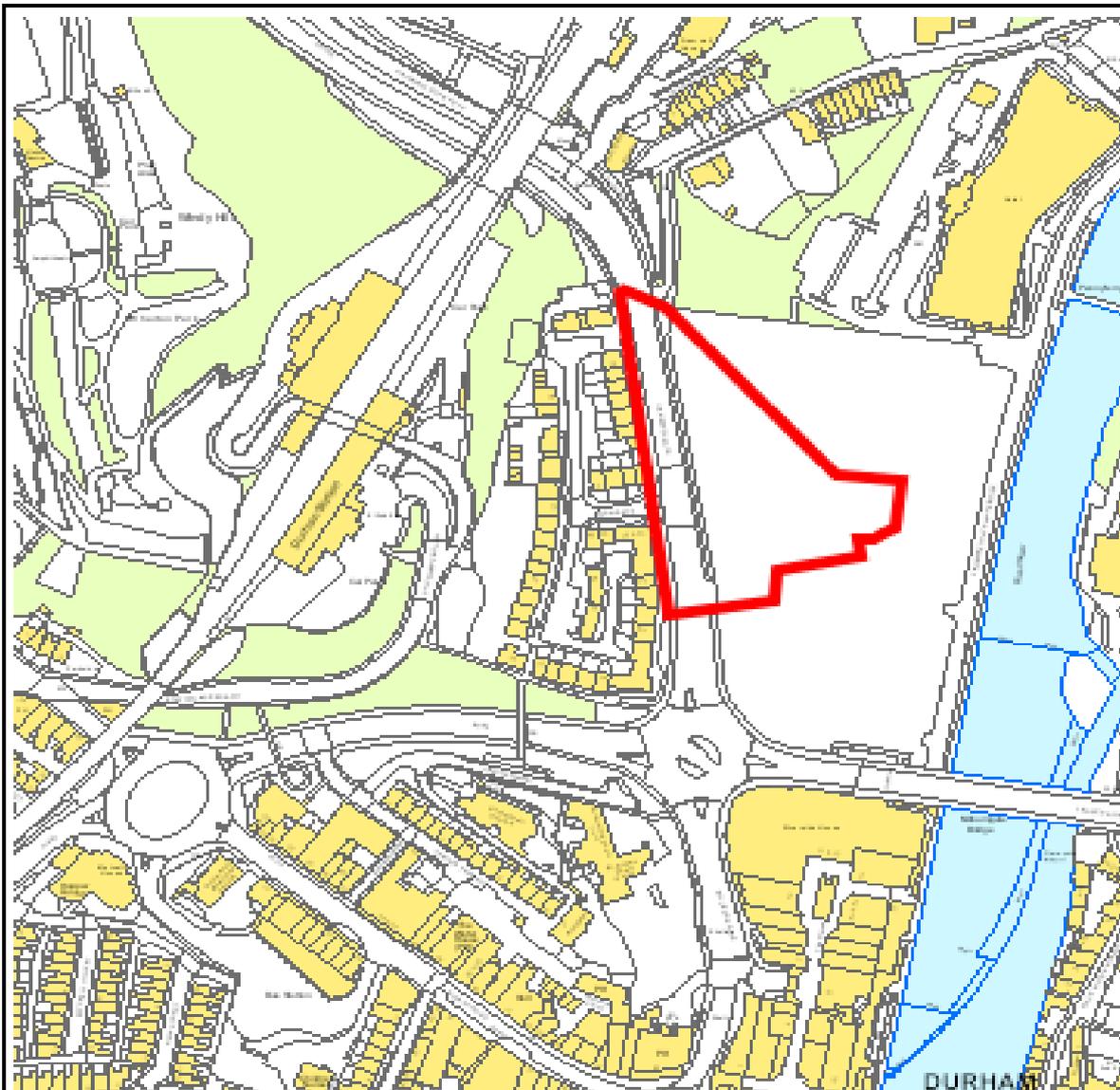
Former Milburngate House Framwelgate Waterside Durham DH1 5TL

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**Date** 6 April 2021

**Scale** Not to scale



**Planning Services**

Ref: DM/21/00155/VOC

Variation of conditions 19 (Framwelgate Peth access strategy) and 18 (Framwelgate Peth junction design) of DM/18/02924/FPA to remove requirement for signalisation and agree junction design

Former Millburngate House Framwelgate Waterside Durham DH1 5TL

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**Date** 6 April 2021

**Scale** Not to scale