



Appeal Decisions

Site visits made on 13 April 2021 and 5 July 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal A Ref: APP/X1355/W/21/3275009

21 Market Place, Durham, DH1 3NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Fulton of 3R Land and Management against the decision of Durham County Council.
 - The application Ref: DM/19/02199/FPA, dated 8 July 2019, was refused by notice dated 12 May 2021.
 - The development proposed is described as: Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage, and welfare facilities to ground floor. Erection of a single storey rear extension to existing Card Factory premises, to form new stockroom, office, and welfare facilities to ground floor.
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Appeal B Ref: APP/X1355/Y/20/3265941

21 Market Place, Durham, DH1 3NJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr R Fulton of 3R Land and Management against the decision of Durham County Council.
 - The application Ref: DM/19/02200/LB, dated 8 July 2019, was refused by notice dated 14 October 2020.
 - The works proposed are described as: Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage, and welfare facilities to ground floor. Erection of a single storey rear extension to existing Card Factory premises, to form new stockroom, office, and welfare facilities to ground floor.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage, and welfare facilities to ground floor. Erection of a single storey rear extension to existing Card Factory premises, to form new stockroom, office, and welfare facilities to ground floor at 21 Market Place, Durham, DH1 3NJ, in accordance with the terms of the application, Ref: DM/19/02199/FPA, dated 8 July 2019, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed, and listed building consent is granted for the erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage, and welfare facilities to ground floor. Erection of a single storey rear extension to existing Card Factory premises, to form new stockroom, office, and welfare facilities to ground floor at 21 Market Place, Durham, DH1 3NJ, in accordance with the terms of the application Ref: DM/19/02200/LB, dated 8 July 2019 and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

3. The original planning appeal that was made contemporaneously with the listed building consent appeal was turned away because the original Decision Notice issued by the Council did not contain a reason for refusal and, consequently, was legally defective. The effect of this was that the Council has not issued a formal decision at the time the appeal was made. The Council subsequently issued a new Decision Notice, and the present planning appeal was made. I visited the site in April 2021 in connection with the Listed Building Consent appeal. I made a second, unaccompanied, visit to view the site and surrounding area from public land on 5 July 2021.
4. The planning and listed building consent application form described the proposal as: "Change of use of existing First and Second floor retail premises, to form 1no new 'self-contained' 5 bedroom Student apartment, inclusive of communal bathroom, lounge, and kitchen. Erection of a single storey rear extension to existing Card Factory premises, to form new stockroom, office, and welfare facilities". The Decision Notices issued by the Council use an amended description, namely: "Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. Erection of a single storey rear extension to existing Card Factory premises, to form new stockroom, office, and welfare facilities". Whilst this does not appear to have been formally agreed with the appellant, I have noted that the appellant has adopted this description on the appeal forms. The description used by the Council more accurately sets out the proposal and the works involved, and I have, therefore, used that for the purposes of the appeal.
5. From the submitted evidence, the proposal was subject to a minor amendment during the course of its consideration by the Council. I have, therefore, considered the appeals based on the details shown on the revised drawings numbered: 18006 P-100 Rev A; 18006 P-101 Rev B; 18006-P-102 Rev B; 18006 P-103 Rev A; 18006-P-104; 18006 P-105 Rev B; and 18006 P-106 Rev B. The same set of drawing numbers relate to both applications/appeals.
6. A Heritage Impact Assessment was included within the appellants appeal submissions. Whilst I recognise that this document was not before the Council when it made its decisions on the applications, the Council and interested parties did have the opportunity to make comments in respect of this as part of their appeal submissions. Consequently, I do not consider that the interests of any parties would be prejudiced by accepting this.

7. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The views of parties were sought on any implications of the revised Framework on their respective cases. No further comments were received from either party. I have determined the appeals having regard to the new version of the Framework
8. The County Durham Local Plan (the CDLP) was adopted on 21 October 2020, after the decisions were made on the applications by the Council's Planning Committee. This superseded the policies in the City of Durham Local Plan cited on the decision notices. Both parties have referred to the Policies in the CDLP in their submissions.
9. The Durham City Neighbourhood Plan (DCNP) was made 7 July 2021. The wording of Policies H1 and H2 in the made version of the plan differs slightly from the wording in the emerging policies cited on the decision notices following the recommendations of the Examiner's Report. The substance of the policies is, however, the same. Following the Examiner's recommendations Policy H4 was deleted from the DCNP and is not included in the made version.
10. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

11. The main issues in these appeals are:

- Whether the proposal would preserve a Grade II listed building, 21 Market Place [List Entry: 1160155], and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the setting of nearby heritage assets and the character or appearance of the Durham City Centre Conservation Area.
- The effect of the proposal on creating, or maintaining, a mixed and balanced community, having regard to the policies in the development plan.

Reasons

The effect on heritage assets

12. The appeal building was listed in 1988 and dates from the mid-eighteenth century. Originally built as a house, the building now accommodates a shop unit on the ground floor whilst the upper floors have been sub-divided to form flats. It is a four storey building, constructed in brick with stone dressings under a pitched, slate, roof. Additional accommodation is provided within the roof space. The building has a large, modern, full width, extension at the rear ground floor level and above this is a stepped extension at first and second floor level that extends across approximately half the width of the rear elevation. The end section of the ground floor extension has a monopitch roof whilst the section adjacent to the upper parts of the extension has a flat roof. The upper part of the extension has a hipped roof over the second floor level and a monopitch roof covers the set back between first and second floor levels. These modern extensions are currently used in conjunction with the ground floor retail use.

13. The significance of the building, in so far as it is relevant to these appeals, is derived primarily from its historic value, as a rebuilding on a historic burgage plot adjoining the market place, reflecting the prosperity and expansion of the city at this time. It also has an aesthetic value derived from its architecture and the contribution that it makes to the group of buildings around the market place.
14. The adjacent buildings at 19 & 20 Market Place and 22 & 23 Market Place are also listed at Grade II [List Entries: 1120625 and 1120626]. Built as a bank and a shop respectively, they are of a later date than the appeal building but have similar significance, derived from their architectural, aesthetic, and historic value.
15. It is also identified that the appeal site is within the wider setting of Framwellgate Bridge, a Grade I listed building and Scheduled Monument [List Entries: 1322872 and 1002351]. The bridge is the oldest in Durham, of medieval origin, built to link the historic core of the city to the west bank of the River Wear as the city grew, and forming a principal route into the city centre from the west. Its significance is derived from its evidential and historic value. It also has aesthetic value arising from its form and appearance.
16. The appeal site is located within the Durham City Conservation Area. The conservation area is extensive, covering the medieval core of the city and the areas into which the city expanded prior to 1900. In addition, it encompasses areas of countryside and open space that contribute the setting of the city.
17. In so far as it is relevant to these appeals, the significance of the part of the conservation area where the appeal site is located is that it is one of the earliest parts of the medieval settlement that grew up around the castle and cathedral and although the majority of the buildings are more recent, the area has retained the historic street pattern and burgage plots of the medieval town. It has historic and evidential value illustrating the phases of redevelopment of the core of the medieval town from the seventeenth to the nineteenth century and the building styles of those times. It also has aesthetic value derived from the varied architectural styles and the relationship of the component buildings to each other and the spaces that they enclose. The topography of the area allows the historic evolution and multi-layered built form of the city to be clearly appreciated.
18. The appeal site also forms part of the setting of the Durham Castle and Cathedral World Heritage Site (WHS). The WHS was inscribed in recognition of the castle and cathedral's outstanding universal values derived from the site's architectural importance, political history, and religious significance. The varied and multilevel group of buildings and roofs at the foot of the castle and the wooded slopes of the River Wear gorge, emphasise the dominance and visual drama of the Castle and Cathedral in relation to the rest of the city.
19. The proposed works would be to the modern addition to the rear of the building. This present addition largely obscures the historic rear elevation of the building. The proposed works would extend the second and third floor elements of the existing addition to the current rear wall of the ground floor extension. At ground floor level, a new extension with a shallow monopitch roof would be added, projecting to the end of an existing terraced area at the rear of the building. The current hipped roof at third floor level would be

- extended over the proposed new upper levels. The proposed extensions would not increase the overall width of the current rear addition.
20. The proposed extensions would add further massing to the extension at the rear of the building, particularly at high level. However, the current rear addition already obscures much of the historic rear elevation and the extent of this would not be increased by the appeal proposal. I have also noted that in the past there has been a not dissimilar extension to the building which is shown on both the 1895 Ordnance Survey map and in an aerial photograph dated around 1948 that is reproduced in the Heritage Impact Assessment¹.
 21. The current rear addition has altered the appearance of the rear elevation of the building to the extent that it is difficult to discern what the appearance of the historic rear elevation may have been. Although the proposed extensions to this rear addition would increase its size, it would have a simpler massing and built form, more akin to a historic closet wing, and the perceived storey heights would also be a closer visual match to the main building than the current rear addition. This latter has a somewhat truncated appearance due to the succession of monopitch roofs obscuring parts of the end wall.
 22. The internal works to existing parts of the building would only affect the modern additions which are of no special historic interest. Nor would they effect any remaining elements of the historic floorplan, although the proposal would involve breaking through the original rear wall at first floor level to form a new doorway, which would result in a small loss of historic building fabric. There is nothing in the evidence that would indicate that this small loss of historic building fabric would cause harm to the significance of the building.
 23. The Council have not identified in their submissions any specific harm that the proposed works would cause to the significance of the listed building. Whilst I have noted the Council's wish for new development to enhance the building, the requirements of the relevant policies in the CDLP are that development should conserve or enhance heritage assets and the statutory duty set out in Sections 16(2) and 66(1) of the Act require decision makers to have special regard to preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The Council's submissions refer to emerging Policy H4 of the DCNP, however, this Policy was deleted and not included in the made version of the plan. Whilst it may be desirable that any proposed works would enhance the significance of a listed building, it is not a requirement of either the Council's planning policies, the Act, or the Framework.
 24. From what I have read, and from what I saw when I visited the site, I find that the effect of the proposed works on the significance of the listed building would be a neutral one.
 25. The settings of the appeal building and the neighbouring listed buildings to either side overlap to form a composite townscape with other listed buildings on the west side of the market place. The proposal would not affect the frontages of the buildings, their relationship to each other or the space they define. To the rear of the market place the landform drops away steeply to the riverside and the rear elevations of the buildings on Market Place and Silver Street form a complex, multi-layered, townscape composed of both historic and

¹ 21 Market Place, Durham Heritage Impact Assessment Page 7.

modern additions to the rear of the buildings that contrasts with the formal elevations to the main streets. In this, the evolution over time of the buildings that comprise it can be seen, with additions of varying ages and styles being apparent.

26. This area also forms part of the wider setting of the Framwellgate Bridge and the WHS, in addition to forming an important part of the character and appearance of the conservation area.
27. I saw that there is a very large, contemporary styled, addition to the rear of number 22 and 23 Market Place that effectively obscures the historic rear elevation of this building and projects further than the proposed extensions to the appeal building. An older, lower, yet still substantial, addition is present at the rear of number 19 and 20 Market Place. The ground floor level of the proposed extension to the appeal building would project to a similar extent to this addition but at a lower height, and the upper levels would still be set behind this. As a result, although the proposed extension would alter the appearance of this area, it would not compete visually with the buildings to either side.
28. Views of the area are principally from the vennel running from Silver Street to Back Silver Street, from parts of Back Silver Street itself, and from the walkway along the west bank of the river outside the Rivergate Shopping Centre. From this latter location, the area can be seen in its entirety in a series of kinetic views from the walkway, as well as from Framwellgate Bridge and the modern Milburngate Bridge to the north.
29. I saw when I visited the site and the surrounding area that the appeal site is only visible from a short stretch of the riverside walkway before it is occluded by other buildings in the area. There are also some brief, glimpsed, views from Framwellgate Bridge and from the vennel between Silver Street and the riverside. On Back Silver Street, the built form results in a largely enclosed space at its north end, where it joins Walkergate, with views constrained by the high walls of the Market Hall and the flats opposite and focussing on the older buildings in the vicinity of Fowlers Yard. It is not until Fowlers Yard is reached that the built form becomes more open. At this point, opposite the lower end of the appeal site, the proposed extension would be visible before being concealed from view again by buildings or the boundary wall at the rear of number 19 and 20 Market Place. At this view point the proposed works would be seen at high level. However, the view is dominated by the larger extension to the rear of number 22 and 23 Market Place, and this would remain the case post development.
30. Within this context, the contribution that the appeal site makes to the setting of the adjacent listed buildings, the nearby scheduled monument, and to the setting of the WHS and the character and appearance of the conservation area is very minor, being one small part of a much larger whole. The Council's submission is that the proposal would not enhance the area, but rather that the scheme would maintain a status-quo. Other than this the Council have not identified any aspects of the significance of these other heritage assets that would be affected by the proposal. From what I have read, and from what I saw when I visited the site, I do not find that the effect of the proposal on the setting of the adjacent listed buildings and the nearby scheduled monument would be anything other than a neutral one. Similarly, I do not find that the

proposal would cause harm to the character and appearance of the conservation area or any of the attributes that contribute to the Outstanding Universal Value of the World Heritage Site.

31. I have noted that the Policies in the Neighbourhood Plan employ the phrases "sustain, conserve and enhance" and "sustain and enhance" in relation to the setting of the WHS and to the conservation area respectively. Similar wording is used in CDLP Policy 45 in respect of the WHS. Paragraph 197 of the Framework expects a decision maker to take account of the desirability of sustaining and enhancing the significance of heritage assets. Whilst the Framework makes it clear that any harm to the significance of a heritage asset requires a clear and convincing justification, it is neither implicit, nor explicit, in Paragraph 197 that the development must enhance a heritage asset. If a proposal does not cause harm to the heritage asset, then its significance would be sustained. Consequently, I do not find any conflict with the requirements of the Policies in the CDLP or Neighbourhood Plan.
32. Given the above, I conclude that, on balance, the proposal would preserve the special historic interest of the Grade II listed building, the setting of adjoining listed buildings, and the character and appearance of the Durham City Conservation Area. This would satisfy the requirements of the Act, paragraph 197 of the Framework, and would not conflict with Policies 44 and 45 of the CDLP and Policies H1 and H2 of the CDNP. When read together, these policies seek, among other things, to ensure that developments sustain the significance of designated and non-designated heritage assets including any contribution made by their setting. As a result, the proposal would be in accordance with the development plan.

The effect on creating or maintaining a mixed and balanced community

33. In addition to creating additional floorspace for the ground floor retail unit, the appeal proposal would result in the creation a new five bedroom house in multiple occupation (HMO) on the upper floors of the building. It is stated in the planning application that this would be for occupation by students.
34. Part 3 of Policy C16 of the CDLP addresses student accommodation including, among other types, houses in multiple occupation. The Policy seeks to create, or preserve, inclusive, mixed, and balanced communities and to preserve residential amenity. It states, among other criteria, that new HMOs will not be permitted if the development would result in more than 10% of the total number of residential units within 100m of the development site being exempt from Council Tax charges by way of the student exemption (Criterion a).
35. It is not in dispute between the parties that the number of Council Tax exempt properties within 100m of the appeal site amount to 67.7% of the total number of eligible properties. The proposal would therefore conflict with Criterion a of Policy C16 Part 3.
36. This notwithstanding, Policy C16 goes on to set out two exemptions where proposals for new HMOs would not be resisted. These are firstly, where an area already has a concentration in excess of 90% of Council Tax exempt properties that is having an unreasonable impact on current occupiers such that the conversion of further dwellings would not cause further harm (Criterion h). Secondly, there is also an exemption where there is an existing high proportion of Council Tax exempt residential properties, on the basis that

commercial uses are the predominant use within the 100 metre radius (Criterion i). The supporting text to the Policy sets out that this is to account for circumstances where there are a low number of residential uses and, consequently, a small number Council Tax exempt properties would equate to a large proportion.

37. It is clear from the submitted evidence that the exemption set out in Criterion h would not apply. The question is, therefore, whether the proposal falls within the exemption in Criterion i.
38. Neither party has submitted any detailed evidence in respect of the actual number of residential properties within 100m of the appeal site. The appellant relies on extracts from the Council officer's report. Consequently, it is not possible to determine from the written evidence the basis from which the proportion of Council Tax exempt properties was derived.
39. When I visited the site, it was apparent that at ground level, the majority of the buildings were in a commercial use. There is a small enclave of housing on Back Silver Street and fronting the river. It was less clear what the upper floors of the buildings within 100m of the site were in use as, although it was evident that the upper floors of some properties were also in commercial use. I also observed that there were only a small number of commercial properties in the vicinity where there was an obvious separate or secondary entrance to the upper floors, which is indicative that access to the upper levels can only be achieved through the commercial premises on the ground floor. This would necessarily limit the potential for the upper floors to be used for residential purposes, although I accept that there may be some residential accommodation that is occupied in conjunction with the commercial use on the lower floors.
40. In the absence of conclusive, empirical, evidence that would demonstrate otherwise, I am satisfied that from what I saw when I visited the appeal site and the surrounding area that it could reasonably be characterised as having predominantly commercial uses within the 100m radius of the appeal site. Consequently, the appeal proposal would fall within the exemption set out in Criterion i of Policy C16, Part 3.
41. I have noted the references to other appeal decisions made in respect of previous HMO proposals. However, I have no information regarding the location and other circumstances in those cases. I am also mindful that these decisions were made prior to the adoption of the current CDLP. I therefore give little weight to these earlier decisions.
42. I accept that an overconcentration of HMOs or other student accommodation can alter the character of the area and have an effect on the living conditions of other occupiers of the area due to differences in lifestyle. I have also noted the Council's point that residents in the city centre may be more dependent on interacting with the city centre area for their leisure and social activities. However, a city centre area is different in nature to other, predominantly residential areas, and will be subject to different patterns of activity and consequent noise or disturbance and different patterns of social interaction. I am not persuaded by the Council's assertion that the relatively small increase in the number of students in the area that would result from the appeal proposal would have an adverse effect on the mix, balance, and vibrancy of the

area, particularly as the Council have not provided any substantive evidence to support this.

43. I therefore conclude that the proposed development would not be harmful to creating, or maintaining, a mixed and balanced community having regard to the policies in the development plan. The proposal would comply with the relevant requirements of Part 3 of CDLP Policy C16 and the Framework.

Other Matters

44. The Council have not raised any other concerns in respect of the proposal. Based on the evidence before me and from what I saw when I visited the site, I have no reason to find otherwise.

Conditions

45. The Council did not provide a list of suggested conditions in the event that the appeals were to be allowed. However, as the Council's Planning Officer had recommended that the applications be approved, I have used the lists of conditions set out in the Officer's report.

Appeal A

46. In order to provide certainty with regard to what has been granted planning permission I have attached a condition specifying the approved drawings.
47. As the appeal building is a listed building and located in a historically sensitive area, it is necessary in the interests of the appearance of both the building itself and that of the surrounding area to include a condition requiring that the details of the proposed external materials be approved. As the proposal is for an extension to an existing building, it is necessary that this condition be pre-commencement.
48. The appeal site is a constrained and sloping site within a densely built up, city centre, location. As a result of the limited road access and the size and form of the site, it is necessary to require that a Construction Management Plan be submitted, approved, and implemented in order to ensure that the development of the site does not cause disruption or conflict with other users and occupiers of the area. As this management plan would need to operate for the entire duration of the development, it is necessary that this be a pre-commencement condition.
49. The appeal site is located in a historically important area where there is a high potential for archaeological evidence to be present. It is, therefore, necessary to impose a condition to ensure that there is proper investigation and recording of any archaeological remains. Due to its nature, this work must necessarily be carried out prior to development commencing.
50. I have had regard to the comments of the Council's Environmental Health Officer. The appeal site is located within a commercial area where there is potential for noise to affect the occupiers of the new development. The appeal building also contains a commercial use on the ground floor and other residential units on the upper floor. No information regarding the noise climate or any mitigation measures have been provided with the application or appeal. In order to ensure that the occupiers of the new dwelling are not affected by external noise and to ensure that there is no transmission of noise between

adjacent units of occupation within the building, it is necessary to include conditions requiring that a noise survey be carried out and that appropriate details of noise mitigation are submitted and implemented. As this may require alterations to the construction details of the scheme, it is necessary that these conditions be pre-commencement conditions.

51. The appeal proposal would result in residential accommodation being located above a commercial premises. In order to ensure that the operation of the commercial premises does not cause disturbance to the occupiers of the residential unit it is necessary to include a condition that restricts the noise of any plant or machinery that is to be installed in the extended commercial premises.
52. The application contains little information in respect of the storage of refuse bins that would be required for the new residential unit. It is therefore necessary to impose a condition requiring the precise details of this to be submitted for approval and for its provision thereafter.
53. The submitted Bat Survey Report indicates that whilst there are not bats present in the appeal building, there is some bat activity in the vicinity of the appeal site. It is therefore necessary to include a condition requiring that the mitigation measures set out in the Bat Survey Report are implemented as part of the development.

Appeal B

54. To ensure that the significance of the listed building is preserved, it is necessary to attach a condition requiring that details of the proposed materials to be used in the construction be submitted to the Council for approval.
55. The Council have suggested a condition specifying the approved drawings. In the context of a listed building consent such a condition is not necessary because the listed building consent is for the works and plans as approved, as set out in the formal decision. Unlike planning permission, there is no provision for an application for a minor material amendment to a listed building consent and, consequently, such a condition would have no purpose.
56. The Council have also suggested that an archaeological investigation condition be imposed. These works, whilst necessary, fall outside the scope of the listed building control regime and are more properly controlled and required through the planning permission.

Conclusion

57. For the above reasons, I conclude that the appeals should be allowed.

John Dowsett

INSPECTOR

Schedule of Conditions

Appeal A - Reference: APP/X1355/W/21/3275009

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 18006 001 - Site Location Plan;
 - 18006 002 - Existing Block Plan;
 - 18006 003 Rev A - Existing Ground and First Floor Plans;
 - 18006 004 Rev A - Existing Second and Third Floor Plans;
 - 18006 005 - Existing Attic Floor and Roof Plans;
 - 18006 006 - Existing Front Elevation;
 - 18006 007 - Existing Elevations;
 - 18006 008 - Existing Elevations P2;
 - 18006 P-100 Rev A - Proposed Block Plan;
 - 18006 P-101 Rev B - Proposed Ground and First Floor Plans;
 - 18006-P-102 Rev B - Proposed Second and Third Floor Plans;
 - 18006 P-103 Rev A - Proposed Attic Floor and Roof Plans;
 - 18006-P-104 - Existing Front Elevation;
 - 18006 P-105 Rev B - Proposed Elevations; and
 - 18006 P-106 Rev B - Proposed Elevations P2.
- 3) Notwithstanding any details of materials submitted with the application, no development shall commence until details of the make, colour, and texture of all walling and roofing materials have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) No development shall commence until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage, and other storage arrangements, including cranes and plant, equipment, and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery, and materials.

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

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

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

- 5) No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to, and approved in writing by, the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.
- 6) No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to, and been approved in writing by, the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic/commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to, and approved in writing by, the Local Planning Authority.
 - 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 LMax in bedrooms during the night-time
 - 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

- 7) Before any part of the development hereby approved is commenced a scheme of sound proofing measures shall be submitted to, and approved in writing by, the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls and floors between the adjoining properties shall be sufficient to prevent excessive ingress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.
- 8) Before any machinery, plant, or commercial process is operated, a detailed noise impact assessment and scheme of sound attenuation measures shall be 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, machinery, commercial process on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00, and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. Thereafter the scheme shall be implemented as approved.
- 9) Prior to the first occupation of the development hereby approved, details of bin stores shall be submitted to, and approved in writing by, the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.
- 10) The development hereby approved shall be completed in accordance with the Mitigation and Enhancement Measures as set out in section 6.3 of Durham Wildlife Services Bat Survey Report, dated July 2020, and thereafter maintained for the lifetime of the permission.

Appeal B - Reference: APP/X1355/Y/20/3265941

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
- 2) Notwithstanding any details of materials submitted with the application, no development shall commence until details of the make, colour, and texture of all walling and roofing materials have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.