



Area Planning Committee (Central and East)

Date Tuesday 13 September 2016
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 12 July 2016 (Pages 1 - 24)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/16/02285/FPA - Kepier House, The Sands, Durham (Pages 25 - 40)
Erection of 35 apartments and associated external works.
 - b) DM/16/02359/FPA - 32 Faraday Court, Durham (Pages 41 - 48)
Change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation including conversion of garage to habitable room.
 - c) DM/16/02358/FPA - 28 Faraday Court, Durham (Pages 49 - 56)
Change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation including conversion of garage to habitable room.
 - d) DM/15/03561/OUT - Land East of Ushaw Villas, Cockhouse Lane, Ushaw Moor (Pages 57 - 68)
Outline application with all matters reserved for care home development for up to 50 residents and staff.
 - e) DM/16/01486/FPA - 13 Partnership Court, Seaham Grange Industrial Estate (Pages 69 - 76)
Extension to existing factory.
 - f) DM/15/03402/FPA - Sheraton Hill Farm, Sheraton (Pages 77 - 90)
Conversion and extension of existing equestrian and agricultural buildings to form 9 dwellings, a replacement bungalow and erection of new garage blocks.

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

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
5 September 2016

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

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,
K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, R Lumsdon,
B Moir, J Robinson and K Shaw

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 12 July 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, J Clark, P Conway, M Davinson, K Dearden, C Kay, J Lethbridge, K Shaw, J Alvey (substitute for A Laing), A Turner (substitute for S Iveson), K Corrigan (substitute for B Moir) and A Hopgood (substitute for D Freeman)

Also Present:

Councillors J Blakey, G Holland and N Martin

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, R Lumsdon and J Robinson.

2 Substitute Members

Councillor J Alvey substituted for Councillor A Laing; Councillor A Hopgood substituted for Councillor D Freeman; and Councillor A Turner substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meeting held 14 June 2016 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest.

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

The Chairman noted that Item 5e, Land at Kepier House, The Sands, Durham had been withdrawn.

a DM/16/01356/FPA - Aldi Stores Ltd, Site Of Peterlee Building Supplies, Yoden Way, Peterlee, SR8 4RD

The Senior Planning Officer, Steven Pilkington gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a retail store and associated works and was recommended for approval subject to conditions.

Members noted that the application as set out in the report had several changes from the original submission, including a protected right turn into the proposed development, a pedestrian refuge island and a nearby bus stop would be retained. Councillors noted images showing existing routes through the application site, with a “desire line” that ran past an adjacent property, which was proposed to be incorporated into the design and made into a link to existing residential properties. It was added that the design included additional tree planting to help mitigate the impact of the car park on the adjacent property, noting the height difference between the two.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to the conditions set out in the report. Members noted 3 letters of objection from the members of the public and 113 letters of support, a summary of the main points raised being set out in the report.

The Senior Planning Officer noted there were some minor changes to the conditions to incorporate an additional tree in the landscape plan and to reflect a relocated secure cycle store. It was also proposed that Condition 9 was amended such that the opening times would be between 8:00 and 22:00 Monday to Friday, including Bank Holidays, and between 10:00 and 16:00 Sundays, with Environmental Health having noted no objections to this change. It was added that approval would also be subject to the completion of a s106 agreement in terms of securing £10,000 to enhance biodiversity on land adjacent to the application site.

The Chairman asked the Committee Services Officer to read out a statement from a Local Member, Councillor A Laing, who was unable to attend the Committee meeting.

“I am one of the two Members for the Peterlee East Division, the application for the development of the Aldi Store on the former site of Peterlee building supplies is within my division. I know people find it strange being on the edge of Horden that this in the Peterlee East Ward but nevertheless Horden has been bereft of a Supermarket for a number of years and now has the opportunity to put this right. This application would also bring much needed employment to the area. I therefore wholeheartedly support this application”.

The Chairman thanked the Committee Services Officer and introduced Mr M Shillaw, a local resident, who was in attendance to speak in relation to the application, having 5 minutes to address the Committee.

Mr M Shillaw explained that he and his wife had purchased the property adjacent to the application site in October 2015, spending their lifesavings on their dream home. Mr M Shillaw noted that the proposed car park for the store would back directly on to his property, with his main bedroom window facing the car park. Mr M Shillaw added that it was known that car parks at various stores located in the Peterlee area had experienced problems in terms of anti-social behaviour with people gathering in their cars, creating noise and disturbance at unsociable hours. Mr M Shillaw added that in those instances, barriers had been fitted to car parks to prevent access when the stores were closed and suggested this may be a good preventative measure that could be incorporated into the design at this stage. Mr M Shillaw concluded by noting a small strip between his property and the development site and asked whether this was retained in the Council's ownership and if so, would it be possible to utilise this area in terms of providing additional screening.

The Chairman thanked Mr M Shillaw and introduced Mr S Plumb for the Applicant, Aldi Stores Ltd, for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr S Plumb explained he was Property Director for Aldi Stores and noted the issues raised by Mr M Shillaw. Mr S Plumb explained that a new store was a multi-million pound investment by an award winning company, would provide a boost for the area and create up to 30 full-time equivalent jobs for local people. It was added there would be additional employment in terms of the construction of the proposed store and that the location close to Horden would complement existing footfall. Members noted the proposed store would incorporate 103 free car-parking places and it was felt to be a sustainable development. Mr S Plumb noted the company had engaged with local people, holding an exhibition, and reacted to issues raised by making changes such as the inclusion of a pedestrian refuse island and retaining existing pedestrian links to Yoden Way. Mr S Plumb noted additional screening had also been included with proposals and there was a 32 camera CCTV system proposed. In terms of a community role, Mr S Plumb noted Aldi Stores would only add a gate to a car park as a last resort, and would look to manage any issues of anti-social behaviour. Mr S Plumb noted that the area in between the proposed car park and Mr M Shillaw's property formed part of the application site. Mr S Plumb concluded by explained that Aldi Stores had made changes in respect of comments raised by local residents and would deal with any issues such as anti-social behaviour accordingly, should they arise.

The Chairman thanked Mr S Plumb and asked Members of the Committee for their questions and comments on the application.

Councillor C Kay noted there was objection in terms of visual amenity, however asked how a development of a store would be of poorer amenity than a derelict site.

The Senior Planning Officer referred Members to the slide within his presentation showing a view to the rear of the adjacent property and the existing link path and noted while there was a loss of amenity in terms of the development of a new store at the site, there were benefits in terms of the derelict site being redeveloped and management of any issues such as anti-social behaviour.

Councillor A Bell noted that the development would be good for the area, good for jobs and proposed, subject to the amended drawings and conditions as described by the Senior Planning Officer, that the application be approved.

Councillor J Clark echoed the comments in terms of the application being positive with the redevelopment of a derelict site, however, noted the comments of Mr M Shillaw in respect of amenity and asked whether the tree screening would be saplings or mature specimens. Councillor J Clark concluded by noting the consideration of the pedestrian refuge was welcomed, especially with the close proximity of a school. The Senior Planning Officer noted that it was proposed that 4 of the trees would be mature specimens, providing a degree of screening initially with this improving as all planting matured.

Councillor A Hopgood noted the proposal represented a good scheme, however asked whether the request for opening between 8am until 10pm on Bank Holidays was appropriate in terms of impact upon local residents.

Councillor J Lethbridge noted the advantages to the development at the site were clear and while he had sympathy in terms of the concerns raised by Mr M Shillaw, he noted that a similar development by another retailer in the Bishop Auckland area had been completed and when issues in connection with the car park at this store had been highlighted, the company had installed a barrier to mitigate the problems.

Councillor P Conway noted he was supportive of the application, which he felt was clearly of benefit to the residents of Horden and Peterlee, and asked as regards Condition 12, details of the Construction Management Plan (CMP) and whether there were any conditions in terms of hours of works on site. The Senior Planning Officer noted that details of the CMP would be submitted to the Local Planning Authority should the application be approved. The Senior Planning Officer added that in terms of the issue of Bank Holiday opening times, the applicant had stated that in terms of retail regulations, Bank Holidays were considered no different to any other weekday in terms of trading.

Councillor A Bell moved that the application be approved, subject to the amended drawings and condition relating to bank holiday opening hours; he was seconded by Councillor J Alvey.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer's report to the Committee, together with amended drawings and an amended Condition 9, as mentioned by the Senior Planning Officer.

b DM/16/00129/FPA - East Durham and Houghall Community College, Houghall, Durham, DH1 3SG

The Senior Planning Officer, Henry Jones gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for refurbishment of Weardale House to provide 24 student beds, demolition of 2 existing accommodation blocks and erection of purpose built student accommodation block (198 beds) and was recommended for approval subject to referral to the Secretary of State via the National Planning Casework Unit, and in the event of the application not being called in, for the Head of Planning to determine the application subject to a Section 106 Agreement and conditions.

Members noted that as the application was within the Durham City Greenbelt, the special circumstance being cited was that of enabling development. The Senior Planning Officer explained that not all of the previously agreed "Phase 1 Masterplan works" had not been taken forward and the applicant had noted that if this application was to be approved, a Section 106 Agreement would secure the completion of those Phase 1 works.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to the conditions set out in the report. Members noted 2 letters of support and 4 letters of objection from the members of the public had been received. It was noted that reasons for objection to the application included: inappropriate scale and appearance; inappropriate development within the Greenbelt; damage to heritage assets; accessibility and safety issues in terms of cyclists; and concerns in terms of flood risk. The Senior Planning Officer noted a statement had been received from Councillor Dr D Boyes after the production of the committee report, in his capacity as Vice-Chair of East Durham and Houghall College:

"The proposed development at Houghall is essential for the future of the site as an ongoing provider of land-based educational services.

Unfortunately, due to a number of reasons, most notably a lack of resources at the site, the buildings have become dilapidated, some beyond repair. As a result many students at the site are studying in a learning environment that is not fit for purpose.

In order to compete with other land-based colleges such as at York and Northumberland, investment, which this proposed development will be able to provide, would enable students in County Durham to access the kind of quality educational provision that they deserve".

The Senior Planning Officer concluded by noting that it was felt that the special circumstances outweighed the objections and therefore the application was recommended for approval, subject to the Section 106 Agreement and conditions as set out within the report.

The Chairman thanked the Senior Planning Officer and introduced Mrs S Duncan, Principal and Chief Executive Officer of East Durham College who was in attendance to speak in relation to the application, having 5 minutes to address the Committee.

Mrs S Duncan noted that a number of the Phase 1 works would be completed in time for the September 2016 intake of students, however, there were a number of works beyond Phase 1 that would enable high quality facilities to be in place locally. It was noted that the current accommodation was created in 1937 and fell well below the modern standards expected by students. Members were informed that the College would wish to prepare for the future and, as the Higher Education offer increased, there would be a need for more facilities. It was noted that in terms of being able to provide capital to enhance teaching facilities while an amount had been made available to enhance some of the site, including new equine facilities, there were not sufficient funds to complete all of the works to modernise all the teaching spaces. Mrs S Duncan noted that the application would allow for those works to be carried out, though being sensitive to the issues of the site, being within the greenbelt and potential flood risk. It was noted that the design of the accommodation block had taken into account comments from the Planning Department, for example a reduction of one storey to allow a void to be incorporated into the design acting to mitigate flood risk. Mrs S Duncan concluded by adding that there was great value in having a high quality land-based teaching facility, the benefits to the local area would be significant and therefore asked Members to approve the application.

The Chairman thanked Mrs S Duncan and asked Members of the Committee for their questions and comments on the application.

Councillor A Bell noted that on the site visit the buildings proposed for demolition did look very tired and therefore supported the Officer's recommendation for approval.

Councillor A Hopgood noted she had no objections to the application in principle, however asked what additional land would be taken up in terms of the proposed development. Councillor A Hopgood also questioned the accessibility of the city centre from the site, noting the route would be dangerous for cyclists.

The Highways Development Manager, John McGargill agreed that the route along the main road into the city centre would not be comfortable for cyclists, however the road cut through a gully and there was no more space available. It was added that the relevant calculations showed that there was capacity in terms of access by pedestrians into the city centre and also the site was on a bus route. The Highways Development Manager noted that accordingly the application was acceptable in highways terms.

The Senior Planning Officer added that while the floor space of the application was different and greater than the existing buildings, they were located in an area where existing buildings sat and referred Members to plans on the projector screen.

Councillor J Lethbridge noted that he had always felt that Houghall College had always sat at ease within its setting and agreed that the tired buildings were in need of replacement. Councillor J Lethbridge added that while there was always concern in terms of any development in the greenbelt, there was a need to balance the impact of development against the gains. Councillor J Lethbridge noted that it was recognised that the site was “visually well self-contained” and while there were some concerns in terms of traffic, he also supported the Officer’s recommendation for approval.

Councillor J Clark noted she had concerns in terms of highway safety, with a limited number of car parking spaces and while walking and cycling would be encouraged, a number of students would come and go by car, or taxi, creating an additional volume of traffic. Councillor J Clark suggested that this could be an issue to “keep an eye on”.

Councillor A Bell moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the Committee were **MINDED TO APPROVE** the application subject to referral of the application to the Secretary of State through the National Planning Casework Unit; and, in the event that the application is not called in by the Secretary of State that it be **APPROVED** subject to a Section 106 Agreement to secure the agreement and completion of works so as to complete the Phase 1 redevelopment of Houghall College and the conditions as set out in the report.

c DM/15/00793/OUT - Land to the East of Prospect Place, Commercial Road East, Coxhoe

The Senior Planning Officer, Henry Jones gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The application was for construction of 55 residential dwellings with associated infrastructure, landscaping and engineering works (outline, all matters reserved except access) and was recommended for approval subject to a Section 106 Agreement and conditions.

Members noted that an application for this site had been approved by Committee in September 2015, however, as there were number of changes made in terms of the application it was felt that the application should be brought back before Members for determination. Councillors were informed that the application site was adjacent to another development that was almost completed, “The Limes” and that the indicative layout for this application site had not changed from the one presented to Members and approved in September 2015.

Members were referred to photographs highlighting the adjacent development and the proposed point of access to the proposed development.

The Committee noted that there had been no objections from the majority of the statutory or internal consultees on the application, subject to the conditions set out in the report. It was noted there had been representation from the Landscape and Sustainability Sections, noting potential adverse landscape and visual effects, potential impacts upon ecology and the distance from services, facilities and public transport. Members noted there had been concerns raised by Coxhoe Parish Council, as summarised in the report and in addition, the Chairman of the Parish Council was in attendance to address the Committee. Members noted 9 letters of objection from the members of the public, a summary of the main points raised being set out in the report.

The Senior Planning Officer noted that the approval in September 2015 had been subject to a Section 106 Agreement to secure 40% affordable housing on the site, however, the applicant now proposed that this 40% be offered via the "Prince Bishops Model" as an alternative to National Planning Policy Framework (NPPF) compliant affordable housing. Members were asked to note that NPPF Paragraph 14 referred to a balance between the adverse impact of development and the benefits of a development and that in this case Officers felt that the benefits in assisting towards a 5 year housing supply and provision of a wider choice of homes were such that the application should be approved.

The Chairman asked the Local Member for Coxhoe, Councillor J Blakey to speak in relation to the Application.

Councillor J Blakey noted that she had no objection to the development, however, she noted the site was adjacent to the local community's well loved nature reserve and added that there was an amount of £4,000 cited for contribution towards public art. Councillor J Blakey added that there were no businesses in the area, and asked that Developer work with Coxhoe Parish Council in terms of provision in terms of education. Councillor J Blakey added that in addition to the affordable housing provision as set out, was there any scope in terms of provision of much needed bungalows within the development.

The Chairman thanked the Local Member and introduced Councillor S Dunn, Chairman of Coxhoe Parish Council to speak in relation application. Parish Councillor S Dunn noted the Officer's report referred to the education provision and a Section 106 Agreement. It was noted that Coxhoe Primary School was full and the construction of an additional 3 classrooms by Durham County Council had been welcomed.

However, Parish Councillor S Dunn noted that these additional classes were to accommodate the additional pupils in terms of developments that had already gained planning permission and did not take into account developments that had come about since that time, including the application being considered today.

Parish Councillor S Dunn noted that the £70,000 in terms of school places be retained, however, if taken in the context of around 1,064 new properties approved for development in the Bowburn and Coxhoe area, this would equate to a shortfall of primary school places of between 180 to 360. Parish Councillor S Dunn suggested that the situation was at a critical mass such that there was a need for a new primary school in order to deal with the additional number of primary places required.

It was added that from previous applications for this site, the proposed number of houses had reduced in number from 100 to the 55 as set out in this application, and questioned as regards the provision of bungalows and affordable housing. Parish Councillor S Dunn noted the context of the Parish Plans 1 and 2 that were in place.

The Chairman thanked Parish Councillor S Dunn and asked Mr S Jackson from Prince Bishops Homes to speak in support of the application, having 5 minutes to address the Committee.

Mr S Jackson noted he was a Development Consultant for Prince Bishops Homes, part of Derwentside Homes. Mr S Jackson added that the purpose of the Prince Bishops Model was to be able to provide low-cost home ownership, with a rent moving to buy model aimed at “generation rent”, those aged 20-mid 30s, with jobs however with little or no deposit or credit. It was added that the model was for 4 years at market rent, not as per the 20% gap of “affordable rent”, and following this period occupants would be offered the opportunity to purchase the property, retaining 50% of any increase in the value of the property to use towards costs, such as fees and a deposit. Mr S Jackson noted that financial advisors would help to ensure potential purchasers were “mortgage ready” and there were initiatives such as saving towards a deposit via the Prince Bishops Community Bank. Mr S Jackson added that lettings would be in line with the Council’s Strategic Housing Land Availability Assessment (SHLAA) in terms of those within Central Durham initially, then for the wider Durham market. It was added that any profits from sales would be put back into social housing via Derwentside Homes and that discussions were ongoing with the Planning Department in terms of the model being NPPF compliant. Mr S Jackson added that an opinion was sought by Prince Bishops Homes in terms of its model and Mr R Sagar, Solicitor had the opinion that the model was NPPF compliant. Mr S Jackson noted that the Prince Bishops Model was preferable to Government schemes as it allowed people to get housing immediately and then work towards being able to purchase their home. It was added that likely changes from Government in terms of the budget would mean that affordable rent would no longer be sustainable. Mr S Jackson concluded by noting that there were a number of bungalows within the scheme and there were no proposal to change this.

The Chairman thanked Mr S Jackson and asked the Senior Planning Officer to provide further information on the issues raised.

The Senior Planning Officer noted that developments already agreed in the Bowburn and Coxhoe area had already secured financial contributions in respect of education provision and the comments within the report by the School Organisation Manager were in the context of the other schemes in the area.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor A Hopgood noted that the proposal seemed to be a good scheme, however, felt the number of additional primary school places being financial compensated for, 6 was too few. Councillor A Hopgood added that there was the additional pressure in terms of any older children and secondary school places, and of those children that would attend primary and then eventually require secondary school places.

The Senior Planning Officer noted that the financial contribution sought, equating to 6 primary school places, was based upon the comments received from the School Organisation Manager on what they thought would be needed.

Councillor P Conway noted permission had been granted previously for development at this site and asked whether that approval had an agreement in terms of a financial contribution towards school places. The Senior Planning Officer noted the same condition in terms of the approximate £70,000 for 6 places had also been in the previous application. The Solicitor - Planning and Development, N Carter clarified that the previous application had been approved, however the Section 106 Agreement had not been issued, however, the application was back at Committee for Members' consideration. Councillor P Conway asked if the Committee could be assured that the £70,000 for education provision would be secured. The Senior Planning Officer noted that it would only be to stipulate that the issue be reviewed at the Reserved Matters stage taking into account the number of properties.

Councillor P Conway noted he had some concern in terms of paragraphs 141 and 142 of the report with reference to affordable housing provision. Councillor P Conway noted that while the 40% offered within the application would allow a "foot on the ladder" for some people, once these properties were sold, they would be lost from the affordable housing provision in the future. The Senior Planning Officer noted that there was a debate in terms of whether the 40% offered equated to NPPF compliant housing, with the applicant of the opinion it was, and the Council of the opinion it was not. Councillor P Conway noted that if the Local Member and Parish Council were happy and the contribution towards education provision would be in place then he would be happy to support the recommendation. The Senior Planning Officer noted that as the application had been required to come back to Committee, a further consultation period had been in effect and no further comments had been received since the September 2015 approval.

Councillor J Lethbridge noted he had reflected upon the comments made by Councillor J Blakey and Parish Councillor S Dunn and understood the sense of encroachment.

Councillor J Lethbridge noted he was a supporter of this area, having spent a lot of time in his childhood in the area and valued the unique landscape of the limestone running from Cassop Vale through to the coast.

Councillor J Lethbridge added that he recalled the beauty and ecology of the landscape and the murmuring of innumerable bees and noted this was under threat by the march of house-building, noting housed-building had replaced industries such as coal mining and quarrying.

Councillor A Bell noted he was not convinced that the 40% offered via the Prince Bishops Model was better than NPPF compliant homes adding that in the current turbulent economic times it was unlikely house prices would rise and therefore the 50% of any increase in value would be 50% of zero and if the rent remained at 20% above “affordable rent” then this could have an impact upon those renting the properties in the longer term. Councillor A Bell noted that he felt he could not support the recommendation.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer’s report to the Committee.

d DM/16/01506/FPA - B&Q Warehouse, Unit 1, McIntyre Way, Durham City Retail Park, Gilesgate Moor, Durham

The Senior Planning Officer, Colin Harding gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of a 1,114 sq.m mezzanine floor and recommended for approval subject to conditions.

The Senior Planning Officer noted that the mezzanine did not extend across the whole B&Q site, rather would be to enable the future occupiers of the unit, Go Outdoors, to be able to display camping and outdoor equipment. Members were reminded that the original proposals for this part of the unit to become a foodstore were no longer being taken forward and the subdivision of the unit, to allow occupation by Go Outdoors and The Range, and external alterations and signage would be matters to be determined under delegated powers.

Councillor Kay stated that he had a loyalty card for Go Outdoors and sought advice on declarations of interest. The Solicitor - Planning and Development, N Carter N Carter advised that Cllr Kay’s interest ought to be noted in the minutes but it was not sufficient to require him to take no part in the decision making. The Committee noted that there had been no objections from the statutory or internal consultees on the application, including no objections from Belmont Parish Council. The Senior Planning Officer noted that the sequential test had been applied as regards suitable site closer to the city centre, and units were either not available or suitable.

The Senior Planning Officer concluded by noting that while the may be increased demand upon parking, this was not felt to be severe and therefore the recommendation was for approval.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application

Councillor P Conway noted that in turbulent times for retails businesses it was not surprising that Morrisons were not taking a foodstore forward, however, the worry of Belmont residents was that the unit would not be occupied.

Councillor P Conway noted that there was considerable parking available at the retail park, with the permission for Morrisons having been approved on the basis of the existing parking provision. Councillor P Conway noted that there could be an issue in terms of the increase in traffic in this part of the City, however these issues would be to take up within the ongoing County Durham Plan consultation.

Councillor P Conway moved that the application be approved; he was seconded by Councillor J Alvey.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

e DM/15/03735/VOC - Land at Kepier House, The Sands, Durham

The Chairman reiterated that this item had been withdrawn.

f DM/ 15/0352/FPA - Dene Hall Care Home, Horden Dene, Easington Colliery

The Senior Planning Officer, Barry Gavillet gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for demolition of care home and erection of 19 dwellings and was recommended for approval subject to a Section 106 Agreement and conditions.

The Senior Planning Officer noted that the care home had not been occupied for a number of years and the site had become derelict and overgrown. Members noted the location, close to Grants Houses, and the existing access to the site from the main road which the Highways Section had deemed acceptable for a development of 19 houses.

The Committee noted that the site was brownfield in nature and within the settlement boundary and satisfied sustainable development due to the close proximity to both Easington and Grants Houses.

It was explained that the majority of the trees on the site would be retained, with the 8 that are to be removed described by the Tree Officer as dead, dying or diseased. It was added that 2 of the 19 properties would be affordable housing and there would be a financial contribution in terms of play space.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions. It was added there had been a suggestion from the applicant, based upon comments from the Ecology Section, that a contribution be made towards the provision and upgrading of footpaths at the former Easington Colliery pit site, to take pressure away from coastal designation of significant importance.

The Senior Planning Officer noted there had been 1 letter of objection received from a nearby resident, with a summary set out within the report. The Senior Planning Officer concluded by noting the application was acceptable in planning terms and was therefore recommended for approval.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor A Hopgood noted that the development seemed to be very good and supported the Officer's recommendation. Councillor A Bell noted that greater affordable housing provision would have been better.

Councillor A Hopgood moved that the application be approved; she was seconded by Councillor J Alvey.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer's report to the Committee.

g DM/16/01202/FPA - McDonalds Restaurants, Unit L, Arnison Retail Centre, Pity Me, Durham, DH1 5GB

The Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for refurbishment and reconfiguration of the restaurant drive thru lane and patio area to include extensions totalling 24.8sqm, incorporating associated works to the site and was recommended for approval subject to conditions.

The Planning Officer noted that the application included a 24.8sqm extension, an additional booth on the drive thru, replacement booths and reconfiguration of the patio area and parking for drive thru order waiting. It was added that advert consent as regards relocation of adverts on fascia had been agreed under delegated powers.

Members noted aerial photographs showing the site in the context of the Arnison Centre with Rotary Way forming a boundary between the Arnison Centre and the greenbelt.

The Planning Officer noted that if Members were minded to approve the application, an additional plan would be requested to be added within Condition 2, as well as removal of Condition 3 as the applicant had already submitted details regarding proposed installation of new target bins on the site. The Planning Officer made reference to regular “trash walks” undertaken by the applicant around the immediate vicinity and beyond the site along Rotary Way.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions.

It was added the application was at Committee at the request of a Local Member, Councillor M Wilkes with his comments set out within the report, which included noting that litter from the restaurant was along many of the highways in the area and that if the Council was required to pick this litter then the applicant should pay for the litter collection and contribute towards educating people as regards litter.

The Planning Officer noted no objections to the application in principle, and noted that any proposed condition in terms of a regular litter pick would not meet the 6 tests for planning conditions as set out in the NPPF.

The Chairman noted Councillor A Hopgood, a Local Member was in attendance and asked if she wished to speak.

Councillor A Hopgood noted that she appreciated what the Council could and could not do, however, added that many Members experienced issues in terms of litter and perhaps it would be better to target locations where people would finish eating their takeaway meals, rather than litter pick at the point of purchase and cited several areas where litter had been noted. Councillor A Hopgood accepted that it would be difficult to condition in terms of litter picking, however, suggested that educational road signs, resourced by the applicant, could help educate people on the issues of litter.

The Chairman thanked Councillor A Hopgood and asked Mr G Pyle from McDonalds to comment on the points raised.

Mr G Pyle noted that McDonalds operated a “Love where you live” campaign and the Business Manager had been in touch with local schools as regards providing education.

The Solicitor - Planning and Development advised that any proposed condition requiring the applicant to provide educational road signs would have similar difficulties in terms of meeting the legal tests as the suggestion to require money to be paid for litter collection. It was added that the applicant may wish to volunteer to provide signage, however, this would be for the applicant to decide upon. Mr G Pyle offered for the applicant to undertake litter pick up well beyond the McDonalds site along Potters Lane for example.

Councillor A Bell noted that the application site bordered with his Electoral Division and noted issues of litter along the route to Lumley and along to Finchale also.

Councillor A Hopgood noted that she felt that targeting young people in schools was an easy option, and rather than speaking to young people, signage targeting drivers who littered might be more effective.

Councillor C Kay moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

h DM/16/01389/FPA - 4 St. Leonards, North Road, Durham, DH1 4NH

The Planning Team Leader (Central and East), Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for the demolition of existing semi-detached dwelling and erection of 2 new dwellings and was recommended for approval subject to conditions.

Members noted that the application represented the effective demolition of half of the existing dwelling and an extension to create 2 separate dwellings, resulting in a 3 property terrace. Members noted photographs showing a single storey extension to the rear of the neighbouring dwelling, and recalled this from the site visit earlier, with the proposed plans and elevations for the 2 new dwellings showing a 2 storey extension to the rear of the proposed properties. The Planning Team Leader added that the churchyard wall would be retained and that parking access would be gained via the rear of the property. The Planning Team Leader noted the report referred to any issues of obstruction as being a Police matter, however, it had been pointed out that as the access was private, such issues would be a civil matter.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to the conditions set out in the report. Members noted 3 letters of objection from residents and that both Local Councillors were in attendance to speak on the application. Members noted a summary of the objectors' comments was contained within the report.

The Planning Team Leader noted that the application was acceptable in principle and also acceptable in terms of residential and visual amenity and highway safety. The Committee noted that the parking and access issues were considered acceptable by the Highways Team and that it was felt the proposals were suitable and had a neutral impact in terms of the conservation area and ecology.

The Planning Team Leader concluded by noting Officers felt the application was in line with saved City of Durham Local Plan (CDLP) policies and the NPPF and therefore the application was recommended for approval subject to conditions.

The Chairman noted both Local Members for Neville's Cross were in attendance and asked Councillor G Holland to speak first in relation to the Application.

Councillor G Holland noted that he and Councillor N Martin had asked that the application be brought to Committee because they were concerned about the adverse and potentially serious impact that this proposed development would have on the immediate neighbours. Their home, at the moment, was firmly anchored in the form of a semi-detached relationship to the other half owned by the proposed developer.

Councillor G Holland noted he would not go into the motives of this intended development but observed that, in his long experience he had never encountered a proposal like this before.

Councillor Holland noted that the NPPF was an overarching and general document that cannot be site specific in the way that was needed in this case. It was added that the rather peremptory reference to the NPPF in the Officer's report only pays casual attention to the NPPF merely looking at parts 4, 7 and 12 in a general sense and Councillor G Holland noted he felt they could not be used to justify this proposed development.

In the absence of the County Plan, Councillor G Holland noted that Planning Committees must rest any decision on the City of Durham Local Plan whose policies have been saved. It was noted that within the report, the Officer cited a handful of local plan policies to help sustain the recommendation for approval. Councillor G Holland explained that he wished to look at these and other policies in greater depth as he felt they would guide Members to an opposite conclusion.

Councillor G Holland noted that Policy E22 required development to preserve and enhance the appearance of the conservation area. Councillor G Holland felt the proposed development would not do that and added that by breaking in half and restructuring a long established building it could be said to detract from this well established and harmonious setting adjacent to an important Grade II listed Church. Accordingly, Councillor G Holland suggested that E22 surely guided Members against the proposed development.

Councillor G Holland reminded Members that Policy H2 considers windfall development, although on this occasion it was windfall achieved by demolition of part of a perfectly sound building. Councillor G Holland noted that Policy H2 did not condone or support this activity and should not be used for this purpose.

Councillor G Holland referred Members to the Officers report and noted the omission of reference to Policies H10 and H13. Members were reminded that Policy H10 addressed backland and tandem development, which Councillor G Holland felt this application was, in an opportunist way.

Councillor G Holland explained that constraints were introduced in this policy, namely that:

- A safe and satisfactory access and adequate parking can be provided in accord with policy T10.
- The amenities of both the new and the existing dwellings are not adversely affected. The adverse impact to be described by the residents.
- It is in keeping with the character, density and scale of the surrounding or adjacent development.

Councillor G Holland noted he did not think the application was in keeping with the character, density and scale of the surrounding or adjacent development because he felt the application was a perverse piece of opportunism in a closely knit and balanced environment.

Councillor G Holland explained that Policy H13 followed a similar line stating that planning permission would not be granted for new development if it has a significant adverse impact on the amenities of residents within the immediate area. Councillor G Holland noted he would allow the resident who was in attendance to explain why the impact was adverse. Councillor G Holland added that Policy T10 addressed vehicle parking off the public highway and noted that parking had to be sustainable and accessible. It was noted this was another issue that the local resident would be best placed to explain.

Councillor G Holland noted Policies Q8 and Q9 were concerned with the quality of buildings and their surrounds. Councillor G Holland noted Policy Q8, which was omitted from the Officer's report, requires new development to provide adequate amenity and privacy and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties. Councillor G Holland noted he believed that the proposed development failed to achieve that target, with the local resident being better placed to explain this. Councillor G Holland explained Policy Q9 considered the impact of proposed alterations and extensions to residential property and placed constraints on such developments. It was noted that this requires that any alteration or extension respects the privacy of adjoining property owners. Councillor G Holland felt the proposed development certainly had no respect for its immediate residents.

Councillor G Holland noted Policy U13 related to development on unstable land and added he had been told this site was on unstable land.

Councillor G Holland noted the site's proximity to the former Aykley Heads coal workings which were immediately below this area. Councillor G Holland noted that he did not think you could take a risk in this regard without a very detailed engineering examination. It was added that Paragraph 121 of the NPPF was very specific in this regards and Councillor G Holland felt it must be weighed in the balance.

Councillor G Holland felt that there was a very important principle here that should be sustained. Councillor G Holland questioned whether a developer could come along, buy half of a house, knock it down, build 2 speculative houses in its place and ignore the wellbeing and future security of the residents in the other half of the building and those in the adjacent properties? Councillor G Holland noted he hoped Members of the Committee believed, like him, that this should not be allowed to happen.

Councillor G Holland noted that should Members of the Committee need appropriate planning policies to sustain such a decision to reject the application then he would suggest that Members rely on the saved policies of the City of Durham Local Plan: E22; H2; H10; H13; T10; Q8; Q9; and U13 together with Paragraph 121 of the NPPF.

Councillor G Holland concluded by stressing that above all, he asked that Members of the Committee to protect the welfare and future of the residents whose house forms half of the property in question.

The Chairman thanked Councillor G Holland and asked Councillor N Martin to speak in relation to the Application.

Councillor N Martin asked if the Officer could bring up the relevant slide from the presentation which showed the proposed parking arrangements. Councillor N Martin referred to the slide and explained that, as Members saw on the visit to the site earlier, the access to the rear of the properties was via a very narrow lane and that as another property had already created a fenced off parking area, the access into the proposed parking area would be very narrow, would be in conflict with the neighbours' hedge and would not leave a gap to allow more than one car to access at a time. Councillor N Martin added that on the basis that he could not see how it would be possible to manoeuvre into the proposed spaces, an approval of this application would undermine the residential amenity of all existing residents and present problems for future residents. Councillor N Martin reminded the Committee that as the properties would effectively be new buildings, they would not be eligible for permits for the controlled parking area to the front of the properties.

Councillor N Martin added that when looking at the proposed design and layout within the detailed plans, the rooms sizes were "very cosy indeed", with the main bedroom only being large enough to fit a double bed, with no room for a wardrobe. Councillor N Martin wondered if there was a subtext in terms of this application and questioned who these properties were aimed at, families or students. Councillor N Martin suggested that should Members be minded to approve the application then it may be appropriate to include a condition restricting use to Class C3, and excluding Class C4 for use as a house of multiple occupation.

The Chairman thanked Councillor N Martin and introduced Mr P Donald, the neighbouring resident, to speak in relation application, having 5 minutes to address the Committee.

Mr P Donald explained that he moved into 3 St. Leonards in May 2012 and the residents of 1 and 2 St. Leonards and resided in those properties for over 50 years.

Mr P Donald explained that the unknowns in terms of the proposed demolition filled him with dread and the works would represent a huge disruption to his life, with the proposed extension leading to a loss of light and likely devaluation of his property. Mr P Donald noted he and his partner worked from home and the disruption would negatively impact upon their business. Mr P Donald explained he thought it was staggering that such an application within a Conservation Area was recommended for approval and that the proposal sought to replace a house with a “sardine tin” and represented a cramped spectacle next to a Grade 2 heritage church. Mr P Donald reiterated the comments of the Local Member in terms of the parking issues, explaining that the residents of 1 and 2 St Leonards had maintained the access to the rear of the properties for the last 30 years. Mr P Donald added that he did not see the need for parking at the rear in addition to parking already available at the front.

Mr P Donald noted his concerns as 3 and 4 St. Leonards shared a chimney that there was potential for damage to occur during works. Mr P Donald explained that when he sought planning permission for the extension to the side of his property there had been no objections and suggested that this type of extension was appropriate, rather than redevelopment of the property. Mr P Donald noted that he would feel betrayed in the application was approved.

The Chairman thanked Mr P Donald and asked Mr J White, agent for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr J White noted the application was for 2, 3 bed dwellings on the site, modest properties, starter homes most likely, and that in terms of design, details had been retained, such as the fenestration to keep the design in line with the existing properties. Mr J White explained that he noted the concerns of the neighbour in terms of structural integrity, however, the acts quoted within the objectors’ comments in the report, such as the Party Wall Act, together with Building Control Regulations would protect his interests.

Mr J White noted that Officers had agreed that the application was in line with saved policies and the NPPF, with a sympathetic design incorporating its own private amenity space. It was added that the proposals had been considered of neutral impact to the conservation Area and acceptable in terms of scale and massing. It was added that there was other legislation in place to protect against ex-mining issues and that there were conditions as set out in the report in relation to surveys.

The Chairman thanked Mr J White and asked the Planning Team Leader to provide further information on the issues raised.

The Planning Team Leader noted that in terms of the Conservation Area, there was a duty to “preserve or enhance” and it was felt the proposal preserved the Conservation Area. In relation to the coal mining issues, the Coal Authority identified the area as being “low risk” and therefore there would be an informative on the consent, should it be granted, to remind the applicant of their obligations in this regard.

In terms of the issue of the properties being used as houses in multiple occupation, then Members could include a condition to limit the properties to C3 use only, noting that the Article 4 Direction would come into effect from September 2016. It was added that issues in terms of the party wall would be a civil matter.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor M Davinson noted he did not see any mention of a CMP within the conditions and added that he felt that in most circumstances it would be appropriate to have such a condition.

Councillor M Davinson added he was interested that the agent for the applicant had not mentioned how people would get in and out of the car parking spaces to the rear of the property and asked if the Highways Officer had any comments on the issue. Councillor M Davinson asked if the access to the rear of the properties was un-adopted, who owned the access, and therefore would permission need to be sought to gain access along this route.

The Chairman noted the point as regards a CMP. The Solicitor - Planning and Development asked if it was clear whether the access road was adopted highway or in private ownership. The Planning Team Leader noted that the access was not adopted highway and was a private way used by the properties. Mr P Donald explained that he had been led to believe the access was over Council owned land and that while the Authority owned the land it would not maintain it, with the longstanding residents of St. Leonards having maintained the access. The Solicitor - Planning and Development noted that issues in connection with those access arrangements would be for private law to address.

Councillor P Conway noted that he had listened very carefully to the speakers and having looked at the site a week ago he could only describe the proposed properties as being "bijou". Councillor P Conway added that he had been convinced by Councillor G Holland's forensic analysis and accordingly felt that he could not support this application and moved that the application be refused in respect of NPPF Paragraph 121 and saved CDLP policies E22, H 2, H10, H13, Q8, Q9 and possibly T10. Councillor P Conway noted that he did not feel, given the Coal Authority stating a low risk, that he could support using saved policy U13 as a reason for refusal.

The Solicitor - Planning and Development noted that Members would need to state why the application was contrary to policies and/or would present an adverse effect.

Councillor A Hopgood noted she felt this was overdevelopment in the extreme and questioned what the cost of "starter homes" would be in this particular location within Durham City. Councillor A Hopgood added that there was also the issue in respect of parking and that the controlled parking zone to the front of the properties.

Councillor K Dearden added that she would add to the comments of Councillor N Martin in respect of potential student use, stating that she felt the proposed properties would in fact be far too small for student use.

The Highways Development Manager noted for clarification that it was correct that as the proposals constituted new properties, then permits would not be issued for use in the controlled parking zone. It was added that the development is in a sustainable transport location with bus and rail links close to hand and therefore no need to provide parking off street.

Councillor C Kay asked if it was known when the properties were built, with Councillor G Holland noting he believed they were built around 1924-25. Councillor C Kay added that having sat on Planning Committees for many years he had not seen an application like this. Councillor C Kay noted he could not see how the proposal would sit right with the other properties and could not see how the proposal would not have a significant effect on 3 St. Leonards.

Councillor C Kay added that he was concerned that the development did not have a neutral effect on the Conservation Area and believed that there would be significant loss of amenity for the immediate neighbour. Councillor C Kay noted that accordingly he could not support the recommendation for approval.

Councillor J Lethbridge noted with incredulity as regards the list of concerns over this application, with so many worries that existed. Councillor J Lethbridge noted the comments from Officers in terms of unstable land, however, a look over at the nearby church where you could see many lines of cement on the walls was an indication that the may be an issue. As regard the parking situation, Councillor J Lethbridge explained that it was "the theatre of the absurd" in trying to imagine being able to get cars in and out of the rear garden via the access available. Councillor J Lethbridge noted he could not support the recommendation for approval.

The Chairman noted the issues raised and asked if Members who felt that the application should be refused could flesh out the reasons for such a refusal.

Councillor P Conway noted that as a layperson it was difficult, however he felt that in terms of E22 the proposal did not enhance or preserve the Conservation Area. The Planning Team Leader asked why he felt the proposal did not preserve or enhance, was it an issue of scale or design. Councillor P Conway noted it was everything, the scale, design, context and visual impact. Councillor P Conway added that in terms of policy H2, windfall development, he felt it was an opportunistic development and not practical or sustainable. Councillor P Conway added that in terms of policy H10 it was perhaps not appropriate as a reason for refusal.

Councillor P Conway noted policy H13 and added there would be considerable adverse affect to amenity, especially during demolition and construction and the completed properties would also be out of scale with the existing properties. Councillor P Conway added that in terms of policy T10 he felt that there were issues in terms of the practicality of parking off the highway and in maintenance of access. Councillor P Conway noted he felt it was self-evident in terms of the application being contrary to policies Q8 and Q9 in terms of the quality of design and impact upon the streetscene.

The Planning Team Leader noted for clarification that policy H2 was in the positive and that new development was acceptable subject to the application not contravening policies E3, E5 and E6.

Councillor C Kay left the meeting at 3.37pm

Councillor P Conway noted that policy E6 stated preserving or enhancing the Conservation Area by ensuring high quality design and in terms of this application he questioned that fundamentally.

The Planning Team Leader noted that in terms of policy T10, as there was good provision of sustainable transport links, as explained by the Highways Development Manager it would be difficult to use this as reason for refusal. Councillor P Conway accepted the Officers comments in respect of Policy T10.

The Planning Team Leader asked whether that in reference to citing policy H13, Members were referring to the wider enclave of the 4 houses at St. Leonards, disturbance and loss of privacy. Councillor P Conway noted this was the case and added that there was also the pressure on parking, congestion issues and issues associated with increased use.

Councillor P Conway moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the application be **REFUSED** as:

The development by virtue of its design, scale and massing would fail to preserve or enhance the character or appearance of the conservation area. The development would therefore be contrary to the provisions of Saved Policies E22 of the CDLP and Part 12 of the NPPF.

The proposed development would fail to respect the scale, density and character of surrounding development, contrary to Saved Policies H10, H13 and Q8 of the CDLP and Part 7 of the NPPF.

The development by virtue of its proximity to adjoining properties and use of vehicular access to the rear would have a detrimental impact on the amenities of occupiers of the adjoining properties contrary to Saved Policies H10, H13 and Q8 of the CDLP and Part 7 of the NPPF.

Councillors P Conway and K Corrigan left the meeting at 3.43pm

i DM/16/01494/FPA - 16 Whinney Hill, Durham. DH1 3BE

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes).

Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was a two storey extension for a house in multiple occupation and was recommended for approval subject to conditions.

The Planning Officer noted that the existing dwelling was a 4 bedroom property and that the proposal amounted to a modest extension that would not seek to increase the number of bedrooms.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions.

The Planning Officer noted there had been 1 letter of objection received from the Whinney Hill Residents Group, with a summary set out within the report. It was added that the main points were in terms of the potential for the property to have the number of bedrooms increased to 6, that the increase in the number of student beds would be detrimental to the local environment and social cohesion, that there were restrictive covenants on the properties restricting them to family dwellings, and the proposal was contrary to Local Plan Policy, the interim policy on Student Accommodation and the NPPF.

The Planning Officer concluded by noting the application was acceptable in principle and that there was a condition to limit the number of bedrooms to 4 and the application was recommended for approval.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor A Hopgood noted that when such applications for extensions in student areas were received could it not be possible to condition that the property was not used as house in multiple occupation or that bedrooms were restricted to a single occupant, as some landlords advertised large bedrooms as double rooms.

The Solicitor - Planning and Development noted that there would be difficulties in terms of being able to enforce the number of occupants in each bedroom, however, it would be possible to enforce the condition as set out in the report limiting the number of bedrooms to 4. It was added that if information was received that the number of occupants of the property was greater than 6, enforcement could be taken in terms of a "large house" in multiple occupation, as this would require a change of use application.

Councillor J Clark noted she was surprised that an application for an extension to an existing student house would not incorporate an increase in the number of bedrooms and asked if there was a way to reiterate to the applicant that should there be more than six occupants then this would require a change of use. The Planning Officer noted that an informative could be included on the notice to remind the applicant of the requirement of a change of use application should there be more than 6 occupants.

Councillor A Hopgood proposed that the application be refused as the application represented overdevelopment and that even up to 6 occupants would have a detrimental effect on the permanent residents living the area. The Chairman asked for the relevant policies and reasons why the application should be refused. Councillor A Hopgood noted she was not a planning expert and would ask for some assistance from Officers. The Chairman noted that it was for Committee Members to come forward with reasons to support any proposal contrary to the Officer's recommendation, quoting the relevant policies and reasons why the application was contrary to those policies. The Chairman added that Officers could then advise whether those reasons were robust in terms of potential challenge at a later date. The Chairman asked if any other Member wished to support the proposal that the application be refused.

Councillor J Alvey moved that the application be approved; he was seconded by Councillor M Davinson.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02285/FPA
FULL APPLICATION DESCRIPTION:	Erection of 35 apartments and associated external works
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land at Kepier House, The Sands, Durham Elvet & Gilesgate
ELECTORAL DIVISION:	
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is located to the North East of the city centre and is immediately adjacent to and overlooks the south bank of the River Wear. The site slopes toward the river from north to south and is separated from the river bank by the Providence Row and a substantial area of accessible green open space known as The Sands; which forms the South Bank. The site is located within the Durham City Conservation Area.
2. The site is currently vacant and surrounded by security fencing. A previously approved residential development has been progressed on the Northern part of the site. The progress of these works includes excavations for a basement car park and extensive piling to suit that scheme, various spoil heaps from those excavations remain on site. The southern elevated section of the site is more attractive and remains landscaped with a series of mature protected tree canopies. It is the intention to utilise some of these excavations and piling within the amended proposal.
3. The surrounding area is predominantly residential in character; and these properties are on the whole fairly modern; mostly dating from the 1950's onwards. The area has been developed in a piecemeal manner as a series of smaller estates. Further west along Providence Row the scale of buildings increases on the approach to Claypath and the city centre.
4. In 2004 the erection of 16 no. residential apartments and 4 no. townhouses and change of use and conversion of existing student hostel to 2 no. dwellings was approved and partly commenced. More recently, planning permission was granted in 2015 for a scheme for 35 apartments on this site. The difference between this application and the previous approval is that the car parking has been reduced to 34 spaces and is now located around the building rather than being located in an undercroft car park and there are minor elevational changes.

The Proposal

5. This application proposes the erection of 35 apartments. The proposal in scale and design terms is almost identical to the previously approved application, the building would be split level mainly three storeys in height rising to four storeys as the site rises to the south. The apartments would be located in two blocks and would consist of a main apartment block which is three storeys in height which would step down through the site to reflect the natural change in the site topography. There is a small section at four storeys where the change in level occurs.
6. The proposals now include 8 surface level car park spaces accessed off The Sands and a further 16 accessed off Ferens Close. A further 10 spaces are accessed at the south end of Ferens Close with a footpath link to the development (34 spaces in total). This differs from the previously approved undercroft car parking arrangement.
7. The presence of mature trees on the site means that a large part of the site is undevelopable; although this has provided an opportunity to develop a scheme incorporating a considerable area of landscaping. The existing tree canopy and proposed additional landscaping would also provide context and soften the appearance of the proposed building which would be constructed from brick and render with grey anthracite windows as per the previous approval.
8. This application is being referred to Committee as it is classed as a major application.

PLANNING HISTORY

9. On 5th February 2004 two applications were submitted; one for Full Planning Consent (04/00165/FPA); one for Conservation Area Consent (04/00142/CAC). Both seeking consent for; “The erection of 16 no. residential apartments and 4 no. townhouses and change of use and conversion of existing student hostel to 2 no. dwellings”. These applications were approved on 2nd June 2004 and subsequently commenced, although this development later ceased on site due to viability issues.
10. In 2014 the demolition of Kepier House and erection of 35 no. apartments including all associated external works was approved, but again this has never commenced due to viability and potential flooding issues to the undercroft car park. More recently, an application to vary the approved plans was made invalid due to discrepancies relating to the application site boundary.

PLANNING POLICY

NATIONAL POLICY

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

12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

14. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
15. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
17. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 8 -* 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.
19. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, 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.
21. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

22. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
23. Policy E14 - (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
24. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
25. Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
26. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
27. Policy H2 - (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

28. Policy H12 - Affordable Housing seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.
29. Policy H13 - Residential Areas – Impact upon Character and Amenity states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
30. Policy T1 - Traffic – General states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
31. Policy T10 - Parking – General Provision states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
32. Policy R2 - Provision of Open Space – New Residential Development states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
33. Policy Q8 - Layout and Design – Residential Development sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
34. Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
35. Policy U8a - Disposal of Foul and Surface Water requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
36. Policy U15 - Energy Conservation – Renewable Resources permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

RELEVANT EMERGING POLICY:

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

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. The Environment Agency has no objections subject to the mitigation in the submitted Flood Risk Assessment being conditioned.

INTERNAL CONSULTEE RESPONSES:

39. Design and Conservation officers initially did not support the amended application given the changes to the car park arrangements. However, conditions are suggested which would require additional landscaping around the car parking area.

40. Highways officers have no objections to the location of the car park or level of car parking provision.

41. Ecology officers have no objection subject to the mitigation outlined in the submitted ecology report being conditioned.

42. Education officers have no objections.

43. Tree officers have no objections to the proposals given that the proposals do not involve more tree loss than that of the previously approved application.

PUBLIC RESPONSES:

44. Northumbrian Water have no objections subject to conditions.

45. 8 letters of objection have been received from addresses in the vicinity of the site as a result of the consultation process. The main reasons for objection include an increase in traffic, lack of car parking spaces and the location of the car park which would result in noise and disturbance. Concerns also include the loss of trees, flood risk and the appearance of the development. These concerns will be discussed later in the report.

46. Cllr Ormerod has also previously raised concerns relating to the proposed car parking arrangements.

APPLICANTS STATEMENT:

47. This development offers the opportunity to create a new sustainable residential development within Durham City. The proposal for 35 apartments provides an excellent range and choice of dwellings to satisfy current and future residential requirements for Durham City and also provides a type and size of dwelling which is currently under provided within the locality.

48. We have engaged with the Council throughout the planning process and are satisfied that the scale and form of development, as well the proposed housing mix is appropriate within this locality. The proposals shall develop an urban brownfield infill site within the development limits of Durham, creating a new, attractive residential development for the city.

49. The site's location within an existing residential area of Durham city and close to the city centre ensures that the site is highly sustainable in relation to local amenity with a wide variety of services, facilities, open space, recreational facilities, and local schools within close proximity to the development. Furthermore, the proximity to bus routes and the train station provide a high level of sustainable transport options for future residents.

50. Both public and statutory consultation has been carried out through which a number of concerns were raised. Through adaption of the proposal in responses to these concerns we are confident that there are no outstanding issue regarding the development.

51. Finally, the impacts of the development have been mitigated via a planning gain package which includes an offsite Play Space Contribution and a percentage for art contribution.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development and accordance with the Governments recently published National Planning Policy Framework (NPPF), and the saved policies from the City of Durham Local Plan. Other material considerations are the scale, layout and design of the amended development, car parking issues, Section 106 issues and the concerns raised by local residents.

Principle of the development

53. Firstly, it should be noted that the planning permission which was approved in 2004 has been partly implemented through the erection of four townhouses, creation of hardstandings, pile foundations and other associated groundworks. In addition a development of 35 apartments was approved in 2015. Therefore a fall-back position exists which would enable the previously approved scheme to be implemented. This scheme was of similar design to the one currently being proposed and was also three storeys in height. Therefore the principle of the development has already been established.

Scale, layout and design of the development

54. The NPPF's twelve core planning principles states that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design, the NPPF states, is "indivisible from good planning."

55. Policy H13 of the LP states that planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. Policies Q1, Q2 and Q8 list design features which will be encouraged within residential areas. In addition, saved Policy Q8 of this plan sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised. These policies are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.

56. In addition to the above, saved Local Plan Policies E6, E21 and E22 all require the character of conservation areas to be preserved or enhanced. Policy E6 is particularly relevant to this application as it relates to the Durham City Centre Conservation Area. It states that the special character, appearance and setting of the Durham City Centre Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

57. As previously noted, planning permission was approved in 2004 and implemented thereafter for a scheme which was of similar design to the one currently being proposed and is almost identical to that which was approved in 2015. It is considered that the proposal would result in a modern and attractive development that would be appropriate to its river side context. The brick and render elevations would give a contemporary appearance and would respect the scale and context of the locality. It is considered that the proposals would enhance this part of the Durham City Conservation Area which at present is in an untidy derelict state in accordance with saved policies E6, E21 and E22 of the Local Plan.

58. The main difference in this application is that the car parking will now be external and would not be located in an undercroft car park. Whilst the undercroft car park was desirable in visual terms, it was not required to make the development acceptable. It is not considered that the current proposal for external car parking and hedgerow screening would have any significant adverse impact on surrounding occupiers or the street scene which would warrant refusal of planning permission. In addition, a further condition is suggested which would ensure a scheme for additional landscaping around the car parking areas is provided.

59. Overall, the development in terms of scale, design and layout is considered to be appropriate for this particular location. It is considered that the scale and layout of the development is acceptable and the design is of a high standard, therefore the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.

Car Parking Issues

60. Highways officers have noted that this application compares to the original application which contained 46 spaces, 35 of which were undercroft parking. It should be noted that development within 400m of the city centre would not require any parking space to be allocated to residents. This development is approximately 500m from Claypath. This has been considered in highways deliberations regarding this application.

61. The Councils parking and accessibility guidelines states 1 space should be provided per 2 bed residential unit and further visitor space at 1 space per 3 units. However, within city and town centre accessible areas guidelines state this standard may be reduced and a maximum standard is applied. This is to take account of the requirement to promote sustainable transport options. The minimum standard would suggest 46 spaces would be required. However given the accessible location and the parking controls within the area, highways officers consider it is reasonable to relax the standard.

62. The development is located within the Citys Controlled parking Zone. Ferens close is controlled with permits and pay and display parking is available on The Sands. There would be no free areas for residents within the public highway. No parking permits would be issued to residents or their visitors who would have to meet Pay and Display Charges if they choose to park on street. They would not be permitted to park on Ferens Close. Given that the development is within close proximity to the City Centre and its public transport, reliance on the car for travel will be less than a more remote development. It is therefore considered reasonable given the inconvenience of the parking restrictions that some residents and visitors will not travel by car but will instead choose sustainable travel modes. Whilst the parking provision for the development is less than 1 space per unit it is considered that 34 spaces for 35 units will be acceptable. Space would be available for visitors should they choose to travel by car through use of Pay and Display at The Sands. Highways Officers do not consider the demand for parking if it arose in the Pay and Display areas could be considered to have a severe impact.

63. In light of the above it is considered that the proposals are in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

Section 106 Agreement

64. The application approved in 2015 included a Section 106 legal agreement which secured £35,000 towards the provision or improvement of recreational facilities in the Electoral Division and a public art contribution of £30,000 for a public art installation in the Electoral Division. In order to ensure these contributions are still secured the applicant will need to enter into a further Section 106 agreement before this permission can be granted. It should be noted that previously approved applications have not included affordable housing on the site. The applicant has provided a development appraisal which officers have assessed and it has been previously agreed that given the site conditions and other constraints that the scheme would not be viable with affordable housing.

Letters of concern from nearby residents

65. As previously mentioned, 8 letters have been received in response to the consultation exercise. The main reasons for objection include an increase in traffic, lack of car parking spaces and the location of the car park which would result in noise and disturbance. Concerns also include the loss of trees, the appearance of the development and flood risk.
66. In terms of traffic congestion, parking and access, these issues have been assessed by the council's Highways Officers and have found to be acceptable; officers also consider that the level of car and cycle provision is acceptable. In addition, it is not considered that the location of the car parking along with the proposed hedgerow screening would cause any significant harm to residential amenity that would warrant refusal of planning permission. With regard to the scale and design of the building, it is noted that the building is of the same scale and design as the two developments' previously approved and officers still consider this to be acceptable. The building would replace a previously derelict building on an untidy site and would enhance the Durham City Conservation Area. The concerns relating to loss of trees is not relevant as the level of tree removal is the same as the previously approved application. Finally, in terms of flood risk, the applicant has submitted a flood risk assessment in accordance with the requirements of the NPPF, at the time of writing the report no response has been received from the Environment Agency and therefore an update will be given at committee.
67. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during consideration of the two previous planning approvals and their impacts are not considered to warrant refusal of planning permission.

CONCLUSION

68. Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposed residential development is in a highly sustainable location near the city centre with good access to public transport, local shops, healthcare providers, schools and other community facilities.
69. The scale, layout and design of the amended development are considered to be appropriate for this location and would visually enhance the Durham City Conservation Area. The proposals would deliver a high quality development whilst vastly improving what is an untidy and derelict site. In addition, the developer has previously agreed to contribute £35,000 toward recreational facilities in the Electoral Division along with a £30,000 contribution toward public art which has already been secured through a Section 106 legal agreement. All other issues such as ecology, flood risk, landscaping etc are acceptable subject to appropriate conditions.
70. On the basis of the above, officers recommended that the amendments to the previously approved application be approved and the removal of conditions agreed.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to entering into a Section 106 legal agreement to secure the provision of:

- £35,000 towards the provision or improvement of recreational facilities in the Electoral Division
- £30,000 towards public art in the Electoral Division

Conditions:

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

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

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

Location Plan TSD-000
Elevations Sheet 1 DSE-001
Elevations Sheet 2 DSE-002
Elevations Sheet 3 DSE-003
Proposed Site Layout DSL-001
Ground Floor Plan DSP-001
First Floor Plan DSP-002
Second Floor Plan DSP-003
Third Floor Plan DSP-004
Roof Plan DSP-005

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy Q8 of the City of Durham Local Plan.

3. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Friday, 0800 hours and 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and to comply saved policy H13 of the City of Durham Local Plan.

4. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be 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:

- Overall strategy for managing environmental impacts which arise during construction;
- Measures to control the emission of dust and dirt during construction;
- Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
- Designation, layout and design of construction access and egress points;
- Provision for emergency vehicles;

- Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
- Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Storage of plant and materials used in constructing the development;
- Enclosure of phase or development parcel development sites or development parcels and the erection and maintenance of security hoarding including decorative displays where appropriate;

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.

Reason: In the interests of residential amenity and to comply saved policy H13 of the City of Durham Local Plan.

5. No development shall take place unless in accordance with the mitigation detailed within the contents of Section D4 (Mitigation Requirements) of the 'Ecological Surveys of The Sands, Durham' written by E3 Ecology Ltd and received Revision 4 dated 19.6.14

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

6. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by CK21 of February 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure appropriate drainage is maintained in accordance with saved policy U8a of the City of Durham Local Plan.

8. The development hereby approved shall be carried out in accordance with tree protection measures in accordance with BS 5837 2012 and which are contained within the submitted Tree Protection Plan SSD-005 Rev B.

Reason: In the interests of the appearance of the area and to comply with part 7 of the National Planning Policy Framework.

9. The development hereby approved shall be carried out in accordance with the measures contained within the submitted Sustainability Statement received on 14.07.2016.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Part 10 of the National Planning Policy Framework.

10. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

(a) A further Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

11. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "*Flood Risk and Surface Water Drainage Strategy*". The drainage scheme shall ensure that foul water will discharge to manhole 7003 or 7001. Surface water will discharge at a restricted rate of 8 Litres per second to manhole 7003 or restricted to 5 Litres per second downstream of manhole 8004.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 11 of the NPPF.

12. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing materials and retaining wall 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.

Reason: In the interests of the appearance of the area and to comply with saved policy Q8 of the City of Durham Local Plan.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with the approved strategy,
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
- iii) Measures to ensure the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the County Durham Archaeology Section of the commencement of archaeological works and the opportunity to monitor such works.
- vi) Post-fieldwork methodologies for assessment and analyses.
- vii) Report content and arrangements for dissemination, and publication proposals.
- viii) Archive preparation and deposition with recognised repositories.
- ix) A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E25 of the former City of Durham District Plan as the site has archaeological potential.

14. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication.

Reason: To comply with Para. 141 of the NPPF, making the information generated publicly accessible.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses



Planning Services

Erection of 35 apartments and associated external works Ref: DM/16/02285/FPA

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Comments

Date September 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02359/FPA
FULL APPLICATION DESCRIPTION:	Change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation including conversion of garage to habitable room.
NAME OF APPLICANT:	Bill Free Homes Ltd.
ADDRESS:	32 Faraday Court, Nevilles Cross, Durham, DH1 4FG
ELECTORAL DIVISION:	Nevilles Cross Chris Baxter Senior Planning Officer
CASE OFFICER:	03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a C3 residential property located at 32 Faraday Court in Nevilles Court. The property is a three storey town house with a living room and garage at ground floor, a bedroom and kitchen/dining room at first floor and a further 3 bedrooms and two bathrooms at second floor level.

The Proposal

2. This application seeks planning permission for the change of use of the property from a C3 family house to a C4 house in multiple occupation (HMO). The existing garage is proposed to be converted into a bedroom as well as bedroom on the first floor being divided into two rooms. Overall, this property would have six bedrooms.
3. This application is being referred to the planning committee at the request of the Ward Councillor.

PLANNING HISTORY

4. No past planning history relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY:

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

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy*. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes*. Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

12. *Policy H9 (Multiple Occupation / Student Households)* states that the sub division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that it does not adversely impact on other planning considerations.
13. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
14. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *County Highways Authority* have indicated that they cannot support the proposal and would recommend refusal on grounds of road safety.

INTERNAL CONSULTEE RESPONSES:

17. *Spatial Planning Policy* has indicated that applying the Interim Policy on Student Accommodation gives the figure of 15% of the properties within the defined area being already HMOs. As such it is considered there is an argument in relation to saved policy H9, that there already is a detriment to the local housing stock which would be exacerbated by the change of use of 32 Faraday Court.

PUBLIC RESPONSES:

18. Neighbouring residents were notified individually of the proposed development. Six letters of representations have been received including comments from the City of Durham Trust and the Nevilles Cross Community Association.
19. Concerns raised relate to the deterioration of the visual amenity; traffic generation, highway safety and road access; adequacy of parking, loading and turning; noise and disturbance; contravening legal covenants; and conformity to planning policy.
20. The City of Durham Trust and the Nevilles Cross Community Association have objected to the proposal indicating that weight should be given to the Interim Policy on Student Accommodation. It is also noted that the proposals to convert the garages into extra bedrooms will destroy the integrity of the terrace, besides leaving a paved front street for parked cars.

APPLICANTS STATEMENT:

21. The application has been made on behalf of the freeholder in conjunction with Bill Free Homes the leading provider of student accommodation in the city. They are well aware of the perceived problems of HMO properties in residential areas but have an excellent record in mitigation of problems. The area has changed considerably in character and we face living on an extended campus of Ustinov college, The Article 4 Direction however well-intentioned will trap residents in properties that cannot be sold and which will not give the quiet enjoyment that they once promised. The application is within policy and as such I would ask it to be approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; visual amenity; and highway safety.

Principle of development

23. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (HMO's). HMO's are small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The proposed floor plans indicate that the proposal would fall under the permitted development remit as six bedrooms would be provided.
24. An Article 4 direction will come into force on 17th September 2016 withdrawing permitted development rights relating to changes of use from C3 to C4 in Durham City. Planning applications determined after this date will consider the material change in circumstance that planning permission is required.
25. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
26. Policy H9 relates to the conversion of houses for multiple occupation. It states that such development will be permitted provided that adequate parking, privacy and amenity areas are provided, provided it will not adversely affect the amenities of nearby residents, provided it is in scale and character with its surroundings, provided it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock and provided it will not involve significant extensions or alterations.
27. In addition an Interim Policy on student accommodation does not support the change of use of properties when there is over 10% student properties within 100 metres of the application site. The Council's Spatial Planning Policy Team have confirmed that the percentage of properties in HMO accommodation within 100 metres of the application site is 15%.
28. The combination of the Interim Policy and the Article 4 Direction gives an indication that the proposal to change the property into a C4 use should not be supported. The Article 4 Direction however does not come into force until 17th September 2016. At this present moment this property can be changed to a HMO use without requiring planning permission under the GPDO regulations.
29. Whilst the Interim Policy on Student Accommodation may suggest that the application should not be supported, the fall back position of the GPDO regulations overrides this policy as the property can be converted without planning permission before the 17th September 2016. No objections are therefore raised in terms of the principle of changing the use of this C3 house to a C4 HMO property.

Visual amenity

30. This planning application also proposes internal alterations to the property including dividing the bedroom on the first floor into two bedrooms and the conversion of the existing garage into a bedroom.
31. Dividing the first floor bedroom into two rooms does not require planning permission and would not have any impacts on the external appearance of the property.
32. The conversion of the garage into a habitable bedroom, which includes replacing the garage door with windows and brickwork, also does not require planning permission providing the windows and brickwork match the existing property. The proposed elevation plans indicate that the windows and facing brickwork would match the existing property.
33. Given the internal and external works which are proposed to the building are permitted development and does not require planning permission, then no objections can be raised.

Highway issues

34. The County Highways Officer has raised concerns that the removal of the garage would result in only a single off street parking space. The Highways Officer has indicated that the lack of off street parking may result in significant demand for on street parking and lead to obstruction of the carriageway or adjacent residential drives and parking on footways. There are particular concerns for emergency service vehicle access to the private shared drive areas. For these reasons, the Highways Officer has recommended refusal on the grounds of road safety and amenity of the area.
35. It is noted however that the conversion of the garage to a habitable room does not require planning permission. There are examples on the Faraday Court estate where other properties have converted the garages to habitable rooms without needing permission.
36. Given planning permission is not required for the conversion of the garage to a habitable room, it is not considered that a refusal of the application on highway grounds could be substantiated.

CONCLUSION

37. The change of use of the property from a C3 dwelling to a C4 HMO is currently permitted development and is therefore acceptable in principle.
38. The only external alterations to the property would be the removal of the garage door being replaced by windows and brickwork which will match the existing property. It is not considered that these changes would have a detrimental impact on the visual appearance of the property or the surrounding area.
39. The conversion of the garage to a habitable room is also permitted development and therefore it is not considered that a refusal on highway grounds could be substantiated.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
	Location Plan	21/07/2016
K21 L(2-)04	Existing and Proposed Floor Plans and Elevations	21/07/2016

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

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation including conversion of garage to habitable room at 32 Faraday Court, Nevilles Cross, Durham, DH1 4FG Ref: DM/16/02359/FPA

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Date
13th September 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02358/FPA
FULL APPLICATION DESCRIPTION:	Change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation including conversion of garage to habitable room.
NAME OF APPLICANT:	Bill Free Homes Ltd.
ADDRESS:	28 Faraday Court, Nevilles Cross, Durham, DH1 4FG
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a C3 residential property located at 28 Faraday Court in Nevilles Court. The property is a three storey town house with a living room and garage at ground floor, a bedroom and kitchen/dining room at first floor and a further 3 bedrooms and two bathrooms at second floor level.

The Proposal

2. This application seeks planning permission for the change of use of the property from a C3 family house to a C4 house in multiple occupation (HMO). The existing garage is proposed to be converted into a bedroom as well as bedroom on the first floor being divided into two rooms. Overall, this property would have six bedrooms.
3. This application is being referred to the planning committee at the request of the Ward Councillor.

PLANNING HISTORY

4. No past planning history relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY:

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

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy*. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes*. Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

12. *Policy H9 (Multiple Occupation / Student Households)* states that the sub division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that it does not adversely impact on other planning considerations.
13. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
14. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *County Highways Authority* have indicated that they cannot support the proposal and would recommend refusal on grounds of road safety.

INTERNAL CONSULTEE RESPONSES:

17. *Spatial Planning Policy* has indicated that applying the Interim Policy on Student Accommodation gives the figure of 15% of the properties within the defined area being already HMOs. As such it is considered there is an argument in relation to saved policy H9, that there already is a detriment to the local housing stock which would be exacerbated by the change of use of 28 Faraday Court.

PUBLIC RESPONSES:

18. Neighbouring residents were notified individually of the proposed development. Eight letters of representations have been received including comments from the City of Durham Trust and the Nevilles Cross Community Association.

19. Concerns raised relate to the deterioration of the visual amenity; traffic generation, highway safety and road access; adequacy of parking, loading and turning; noise and disturbance; contravening legal covenants; and conformity to planning policy.

20. The City of Durham Trust and the Nevilles Cross Community Association have objected to the proposal indicating that weight should be given to the Interim Policy on Student Accommodation. It is also noted that the proposals to convert the garages into extra bedrooms will destroy the integrity of the terrace, besides leaving a paved front street for parked cars.

APPLICANTS STATEMENT:

21. The application has been made on behalf of the freeholder in conjunction with Bill Free Homes the leading provider of student accommodation in the city. They are well aware of the perceived problems of HMO properties in residential areas but have an excellent record in mitigation of problems. The area has changed considerably in character and we face living on an extended campus of Ustinov college, The Article 4 Direction however well-intentioned will trap residents in properties that cannot be sold and which will not give the quiet enjoyment that they once promised. The application is within policy and as such I would ask it to be approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; visual amenity; and highway safety.

Principle of development

23. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (HMO's). HMO's are small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The proposed floor plans indicate that the proposal would fall under the permitted development remit as six bedrooms would be provided.

24. An Article 4 direction will come into force on 17th September 2016 withdrawing permitted development rights relating to changes of use from C3 to C4 in Durham City. Planning applications determined after this date will consider the material change in circumstance that planning permission is required.

25. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

26. Policy H9 relates to the conversion of houses for multiple occupation. It states that such development will be permitted provided that adequate parking, privacy and amenity areas are provided, provided it will not adversely affect the amenities of nearby residents, provided it is in scale and character with its surroundings, provided it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock and provided it will not involve significant extensions or alterations.

27. In addition an Interim Policy on student accommodation does not support the change of use of properties when there is over 10% student properties within 100 metres of the application site. The Council's Spatial Planning Policy Team have confirmed that the percentage of properties in HMO accommodation within 100 metres of the application site is 15%.

28. The combination of the Interim Policy and the Article 4 Direction gives an indication that the proposal to change the property into a C4 use should not be supported. The Article 4 Direction however does not come into force until 17th September 2016. At this present moment this property can be changed to a HMO use without requiring planning permission under the GPDO regulations.

29. Whilst the Interim Policy on Student Accommodation may suggest that the application should not be supported, the fall back position of the GPDO regulations overrides this policy as the property can be converted without planning permission before the 17th September 2016. No objections are therefore raised in terms of the principle of changing the use of this C3 house to a C4 HMO property.

Visual amenity

30. This planning application also proposes internal alterations to the property including dividing the bedroom on the first floor into two bedrooms and the conversion of the existing garage into a bedroom.
31. Dividing the first floor bedroom into two rooms does not require planning permission and would not have any impacts on the external appearance of the property.
32. The conversion of the garage into a habitable bedroom, which includes replacing the garage door with windows and brickwork, also does not require planning permission providing the windows and brickwork match the existing property. The proposed elevation plans indicate that the windows and facing brickwork would match the existing property.
33. Given the internal and external works which are proposed to the building are permitted development and does not require planning permission, then no objections can be raised.

Highway issues

34. The County Highways Officer has raised concerns that the removal of the garage would result in only a single off street parking space. The Highways Officer has indicated that the lack of off street parking may result in significant demand for on street parking and lead to obstruction of the carriageway or adjacent residential drives and parking on footways. There are particular concerns for emergency service vehicle access to the private shared drive areas. For these reasons, the Highways Officer has recommended refusal on the grounds of road safety and amenity of the area.
35. It is noted however that the conversion of the garage to a habitable room does not require planning permission. There are examples on the Faraday Court estate where other properties have converted the garages to habitable rooms without needing permission.
36. Given planning permission is not required for the conversion of the garage to a habitable room, it is not considered that a refusal of the application on highway grounds could be substantiated.

CONCLUSION

37. The change of use of the property from a C3 dwelling to a C4 HMO is currently permitted development and is therefore acceptable in principle.
38. The only external alterations to the property would be the removal of the garage door being replaced by windows and brickwork which will match the existing property. It is not considered that these changes would have a detrimental impact on the visual appearance of the property or the surrounding area.
39. The conversion of the garage to a habitable room is also permitted development and therefore it is not considered that a refusal on highway grounds could be substantiated.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
	Location Plan	21/07/2016
K21 L(2-)03	Existing and Proposed Floor Plans and Elevations	21/07/2016

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

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation including conversion of garage to habitable room at 28 Faraday Court, Nevilles Cross, Durham, DH1 4FG Ref: DM/16/02358/FPA

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Date
13th September 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03561/OUT
FULL APPLICATION DESCRIPTION:	Outline application with all matters reserved for care home development for up to 50 residents and staff
NAME OF APPLICANT:	Mr D Clauzel
ADDRESS:	Land to the East of Ushaw Villas, Cockhouse Lane, Ushaw Moor
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a redundant parcel of land located east of Ushaw Villas in Ushaw Moor. The adopted roads of Cockhouse Lane and Station Road run along the north and east boundaries respectively. To the north are the residential terrace properties on Cockhouse Lane and to the south are further residential properties. Commercial properties are located to the east of the site.

The Proposal

2. Outline planning permission is sought for a care home development for up to 50 residents and staff. All matters are reserved therefore only the principle of development is to be considered within this application. Illustrative plans have been submitted which indicates that a care home building can be located on the site. The illustrative elevation drawings shows a building which ranges from three and half storey to two storey in height. The illustrative site plan indicates that the building would run along the north and east boundaries of the site with parking to the west boundary.
3. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

4. Outline planning permission was approved in 2004 for the demolition of the existing public house and the development of residential accommodation.
5. A planning application for a proposed care home development was withdrawn in 2008 and in 2007 an application for the erection of 12no apartments and 6no terraced was also withdrawn.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – 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.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy 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.
14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

LOCAL PLAN POLICY:

City of Durham Local Plan

15. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
16. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
17. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
18. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
20. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
21. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
22. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
23. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.

24. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
25. *Policy U11 (Development on Contaminated Land)* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
26. *Policy U13 (Development on Unstable Land)* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
27. *Policy U14 (Energy Conservation – General)* states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *County Highways Authority* does not object to the proposal. Concerns are expressed over the positioning of the site entrance that will likely bring conflict to the existing bus stop on Cockhouse Lane. Relocation of the bus stop would reduce concerns of highway safety for vehicles and pedestrians.
30. *Northumbrian Water* has not raised any objections subject to a condition for details of foul and surface water to be submitted.
31. *Drainage* has not raised any objections to the proposed scheme.

INTERNAL CONSULTEE RESPONSES:

32. *Archaeology* has not raised any objections.
33. *Sustainability Officer* raises no objections subject to a condition for a scheme to be submitted which embeds sustainability and minimises carbon from the development.

34. *Environmental Management (Contamination)* has not raised any objections to the proposed development. A condition is required for further contamination assessments to be undertaken.
35. *Environmental Management (Noise/Light)* has not raised any objections to the proposed development indicating that given the nature of the site it is unlikely that the noise climate will be such that it prohibits development.
36. *Environmental Management (Air Quality)* states that the proposed development is not adjacent to or in close proximity to any known sources of emissions of one or more of the air quality pollutants in the local area.

PUBLIC RESPONSES:

37. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. Two letters of representation have been received from the general public.
38. Concerns are raised over loss of light; noise and air pollution; security during and after the development process; loss of access and parking.
39. The Parish Council have conveyed their support for the scheme indicating that the site is currently an overgrown, derelict site and an eye sore at the centre of the village of Ushaw Moor.

APPLICANTS STATEMENT:

40. The proposed care home development will be able to offer accommodation for up to 50 residents/staff. The objective is to create an economically viable commercial alternative to the current situation that provided a financially sustainable future for the site. This was to ensure its longevity and position within the local community.
41. The layout of the proposed care home consists of five storeys, Sub floor, Ground floor, First Floor, Second Floor and Third Floor.
- Sub-Floor- Boiler room, laundry and ironing room
 - Ground Floor- Main entrance, lounge, kitchen, dining room, offices, bedrooms, toilets and bathrooms with access to communal garden.
 - First, Second & Third Floors - Bedrooms, toilets, bathrooms and lounge and dining room.
42. In order to determine the best type of use several factors have been taken into consideration. Government legislation, local initiatives and policies have been reviewed to get a better understanding of the local area. The scale of the building was determined both by the environment in which it is located and the economic viability of the build. Limiting the impact on the streetscape but maximising the return to the client meant reaching a compromise on the scale of the design.
43. Once the design criteria had been established creating a new environment in which the building would sit was important in making the scheme work. The use of matching and appropriate materials was intrinsic in creating a new build that doesn't look out of place and fits comfortably within the local area.

44. In order to achieve the best design there were several principles that underpinned the design process. The factors influencing these principles are what drove the design forward allowing the development of the site to take place.

- Layout & Topography
- Access/egress
- Relationship to existing buildings
- Views to and from the site
- Scale & Massing
- Sustainability

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development; and impacts on the surroundings.

Principle of development

46. The application site is a derelict parcel of land in the centre of Ushaw Moor which is a blight on the village. The site is previously developed and is considered a suitable location for a care home development. The site is located within close walking distance to shops, public facilities and transport services and therefore the site is considered to be within a sustainable location.

47. The principle of development is acceptable and the proposal would be in accordance with the sustainable principles of the NPPF.

Impact on surroundings

48. The application has been made in outline with all other matters reserved for future consideration. The applicant has submitted some illustrative drawings which shows a potential layout and appearance of a care home development. It is therefore considered prudent to comment on these issues at this stage.

49. The elevational drawings show a building which ranges from three and a half storey to two storey in height and has hipped roof design. Given the site slopes away from north to south, it is considered that the scale and height of the development shown on the illustrative drawings could be accommodated on site without having an adverse impact on the appearance of the surrounding area nor would it have any adverse impacts on residential amenity.

50. The Highways Officer has commented that the proposed parking arrangement would be sufficient to accommodate the level of development which is being proposed. The Highways Officer has indicated that the access shown on the illustrative drawings could cause some conflict with the existing bus stop. Vehicles leaving the site from the proposed access could have difficulties should a bus be stationary at the bus stop. Given the frequency that this scenario may occur it is not considered that the planning application could be refused on this particular issue.

51. An area of adopted highway to the south of the site is proposed to be utilised as garden amenity space for the care home facility. There are no objections in terms of the use of this land as garden amenity space. It is noted however that this parcel of land would have to go through a separate procedure (outside of the planning application) for the road to be stopped up.

52. Northumbrian Water have not raised any objections to the proposal however a condition is recommended for details of foul and surface water to be submitted. A condition is recommended accordingly.
53. No objections have been received from the Councils Environmental Management Team other than the inclusion of conditions relating to contamination. Further noise assessments would have to be submitted at reserved matters stage to ensure noise issues do not adversely impact on residential amenity. Conditions are recommended accordingly. The Council's Sustainability Officer has also requested a condition relating to sustainability and reducing carbon emissions. A condition is recommended accordingly.
54. Standard conditions are also proposed in relation to the submission of materials, hard standing, means of enclosures etc.

Public representations

55. Concerns have been received regarding loss of light which may occur due to the proposed building. This application is only made in outline and the final details of the building would be considered under a reserved matters application. That being said, it is considered that the details shown on the illustrative plans would not have any adverse impacts on neighbouring properties.
56. Security of neighbouring properties during and after the development has been raised as an issue. Although security is not necessarily a planning consideration, it is not considered the development of a care home would raise any adverse impacts in terms of security.
57. The loss of the access lane to the north and west of 34 Ushaw Villas has been raised as an issue as well as loss of parking. The access to the north of 34 Ushaw Villas is not an adopted road. It is noted that the County Highways Officer has not raised any objections to the loss of parking or access to neighbouring properties.

CONCLUSION

58. The proposed development is considered acceptable in principle as it is the redevelopment of a brownfield site sustainably located in an area which has existing residential use. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.
59. It is considered that a care home development could be located on this site which would not compromise the surrounding area and would be in accordance with policies from the City of Durham Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the payment of commuted sums towards open space, recreational facilities and public art in the locality and subject to the following conditions;

1. Approval of the details of scale, appearance, layout, landscaping and access (hereinafter called "the reserved matters") for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters for the development must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan Ref No.	Description	Date Received
1/1	Site Plan	23/06/2016

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

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials, means of enclosure and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E3, E6 and E22 of the City of Durham Local Plan.

5. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and agreed in writing by the local planning authority. The scheme shall include the following:

Pre-commencement

- a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by a competent person(s) to identify and evaluate all potential sources and impacts on land and/or groundwater contamination;
- b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by a competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by a competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the local planning authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the local planning authority and the development completed in accordance with any amended specification of works.

Completion

- d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the local planning authority within 2 months of the first occupation of the development.

Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

6. Prior to the commencement of development hereby approved a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. Prior to the commencement of development a scheme to embed sustainability and minimise carbon from the construction and in-use emissions shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and retained for the lifetime of the building.

Reason: In order to minimise energy consumption and to comply with the aims of the NPPF.

8. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

9. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance



Planning Services

Outline application with all matters reserved for care home development for up to 50 residents and staff at Land to the East of Ushaw Villas, Cockhouse Lane, Ushaw Moor Ref: DM/15/03561/OUT

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Date
13th September 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01486/FPA
FULL APPLICATION DESCRIPTION:	Extension to existing factory
NAME OF APPLICANT:	Prima Cheese Limited
ADDRESS:	13 Partnership Court Seaham grange Industrial Estate
ELECTORAL DIVISION:	Seaham
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an industrial commercial property located to the east of B1285 highway within Seaham Grange Industrial Estate. This is an established industrial estate, comprising many commercial units including this factory, established and started since 2001. The site is surrounded by commercial properties including Marks & Spencer and Mission Foods. Immediately to the west of the site is the A1018 with access to the A19. Amenity land and housing is located south of the site. To the east of the site is a terraced street accessible via Stockton Road which appears to be predominately occupied as residential properties.

The Proposal

2. Planning permission is sought for the erection of a new extension of the existing Industrial Building to be built from cavity wall. The proposal would involve an additional 1,256m² of additional B2 industrial use and would attract an additional 24 employees. An extension of the premises would provide a fourth production line, chiller space and accompanying machinery, to be able to deal with demand for the products.
3. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

4. No planning relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 - Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development need of business and support an economy fit for the 21st century.
9. *NPPF Part 2 – Ensuring the vitality of town centres.* Expansion of town centres should be encouraged to promote future economic activity. Sites should be allocated to a range of suitable sites to meet the scale and type of retail, leisure and commercial development needed in town centres, retaining and enhancing existing markets ensuring markets remain attractive.
10. *NPPF Part 4 - Promoting Sustainable Transport.* Encouragement should be given to a solution 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.
11. *NPPF Part 7 – Requiring good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning
12. *NPPF part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

District of Easington Local Plan

13. *Policy GDP1 (General Principles of Development)* states consideration should be considered of whether a proposal would accord with the principles of sustainable development together with many benefits to the community and the local economy.
14. *Policy 35 (Design and Layout of Development)* requires the design and development to conserve energy where possible, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious impact on the people living and working in the vicinity.
15. *Policy 36 (Design for Access and the Means of Travel)* states that new development shall ensure good access and encourage alternative means of travel.
16. *Policy 37 (Design for Parking)* states that the design and layout of new development should seek to minimise the level of parking provision.
17. *Policy 53 (Existing and general industrial estates)* states the following used will be allowed on the general industrial estates: class B1 (business) class B2 (general industry) and B8 (warehousing) and retail uses as permitted by policy 105 (retailing on industrial estates).

.RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *County Highways Authority* has not raised any objections to the proposed scheme as there would be no direct impact on the public highway as a result of these proposals presuming Partnership Court is privately owned/maintained.
20. *Northumbrian Water* has not raised any objections having assessed the proposed scheme as there will be only a small increase in surface water from the development.
21. *Drainage* has not raised any objections the proposed scheme.
22. *Environment Agency* have not raised any objections.

INTERNAL CONSULTEE RESPONSES:

23. *Environmental Management (Contamination)* has not raised any objections to the proposed development. A condition is required for further contamination assessments to be undertaken.

24. *Environmental Management (Noise/Odour/Dust)* have no objections to this application.

25. *Ecology* has not raised any objections

PUBLIC RESPONSES:

26. The application has been advertised in the local press and a site notice was posted close to the site. Neighbouring properties were also notified in writing. No letters of representations have been made.

APPLICANTS STATEMENT:

27. Family owned business Prima Cheese Limited specialises in the processing and blending of cheese primarily used for pizza topping within the food industry.

28. The company supplies UK wholesale food service markets for the usage of pizza cheese within fast food outlets, hotels and restaurants as well as food manufacturing companies which use the company's products as part of their own manufacturing process as a food ingredient.

29. The company has successfully diversified its client base to extend into overseas markets with a huge amount of success. The company now exports into several EU countries as well as a host of other countries such as Peru, Singapore, Taiwan, Jordan, Lebanon and the Dominican Republic to name a few.

30. Since beginning trading almost 17 years ago, Prima Cheese Limited has continued to strive to deliver its mission of producing high quality cheese products to the wholesale market.

31. The company's reputation for quality has been rewarded with continued success and the firm now stands as one of the largest cheese processing companies in the UK with an annual turnover in excess of £42m. Furthermore Prima was ranked 39th on the Sunday Times HSBC International Track 200 in 2015.

32. The company can proudly say that they have brought much needed employment to the region too. The average number of staff employed has increased year on year and continues to grow:

- 50 – 2013
- 59 – 2014
- 62 – 2015
- 78 – 2016

33. At present the company has hit maximum capacity in regards to the sales it can generate based on the current premises and its facilities.

34. An extension to the premises will allow the company to install a much needed fourth production line, chiller space and accompanying machinery which will cost in the region of £1m. The costs of extending and refurbishing the current premises allow for the accommodation of more raw materials and finished goods which will cost in the region of £1.4m.
35. The extension will allow the company to create a further 24 vacancies taking their current numbers to 102. Prima will then have the capability to not only supply the demand of their current clientele but to expand further internationally and continue to support the economy of the region.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development; impact on surrounding area and neighbouring occupiers and highway considerations.

Principle of development

37. The proposal seeks to erect an industrial unit to the rear of an existing industrial building, creating 1,256m² of additional B2 industrial use. An extension of the premises would provide a fourth production line, chiller space and accompanying machinery, to be able to deal with demand for the products. The application site is within an established industrial estate and the proposed unit can be suitably accommodated in this location. The proposals are considered acceptable in principle in accordance with the requirements of policy 53 of the Local Plan.

Impact on surrounding area and neighbouring occupiers

38. The proposed building would increase the overall size of the built area. A sizeable open space would continue available allowing continued access and circulation to the rear of the building. In general the size of the building, along with its proposed designing and materials, is considered to be in keeping with the general appearance of the main industrial building adjacent building in the surrounding area.
39. Although a large extension, its addition to this part of the site, directly along the boundary with the neighbouring industrial unit, is not expected to create any negative impacts in terms of the general functionality or operation taking place at the neighbouring site. In addition given that the proposed building would provide additional storage, this would help to reduce the amount of outdoor storage, improving the general appearance of the area. The proposals are considered to be in line with Policy 35 of the Local Plan.
40. The Council's Drainage Officer has indicated that given the extent of the proposed extension details of surface water drainage is required to be submitted. A condition is recommended for details to be submitted prior to works commencing on site.

Highways

41. The proposals are considered to provide sufficient access and there would be no direct impact on the public highway as a result of these proposals. Additional parking provision is proposed as part of this application. It is not considered that the proposed extension would have an adverse impact on highway safety. The proposal would therefore be in accordance with policy 36 and 37 of the local plan.

CONCLUSION

42. The proposed development is considered acceptable in principle as it is the extension of an industrial property, suitably located in an area surrounded by other commercial and industrial uses. The proposals are therefore considered to be in accordance with the presumption in favour of a strong economy as outline in the NPPF.
43. The proposed building has been suitably designed and would not appear visually intrusive within the surrounding area. It is considered that the proposed development would not have an adverse visual impact on the appearance of the street scene or the surrounding area and would be in accordance with the Local Plan.
44. The proposed extension would not impact on the access to the site and additional parking provision would be provided with the scheme. Highway safety would not be adversely compromised and the extension would be in accordance with policy 36 and 37 of the local plan.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
BR-94-0416-02	Site Plan as Proposed	24/08/2016
BR-94-0416-03	Drainage	24/08/2016
A-94-0416-05	Proposed Roof Plan	09/05/2016
A-94-04 16-01	Demolition plan	09/05/2016
A-94-0417-07	Proposed Elevations	09/05/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 1 and 35 of the Easington District local Plan 2001.

3. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following in writing:

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

4. Prior to the commencement of development hereby approved a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

5. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

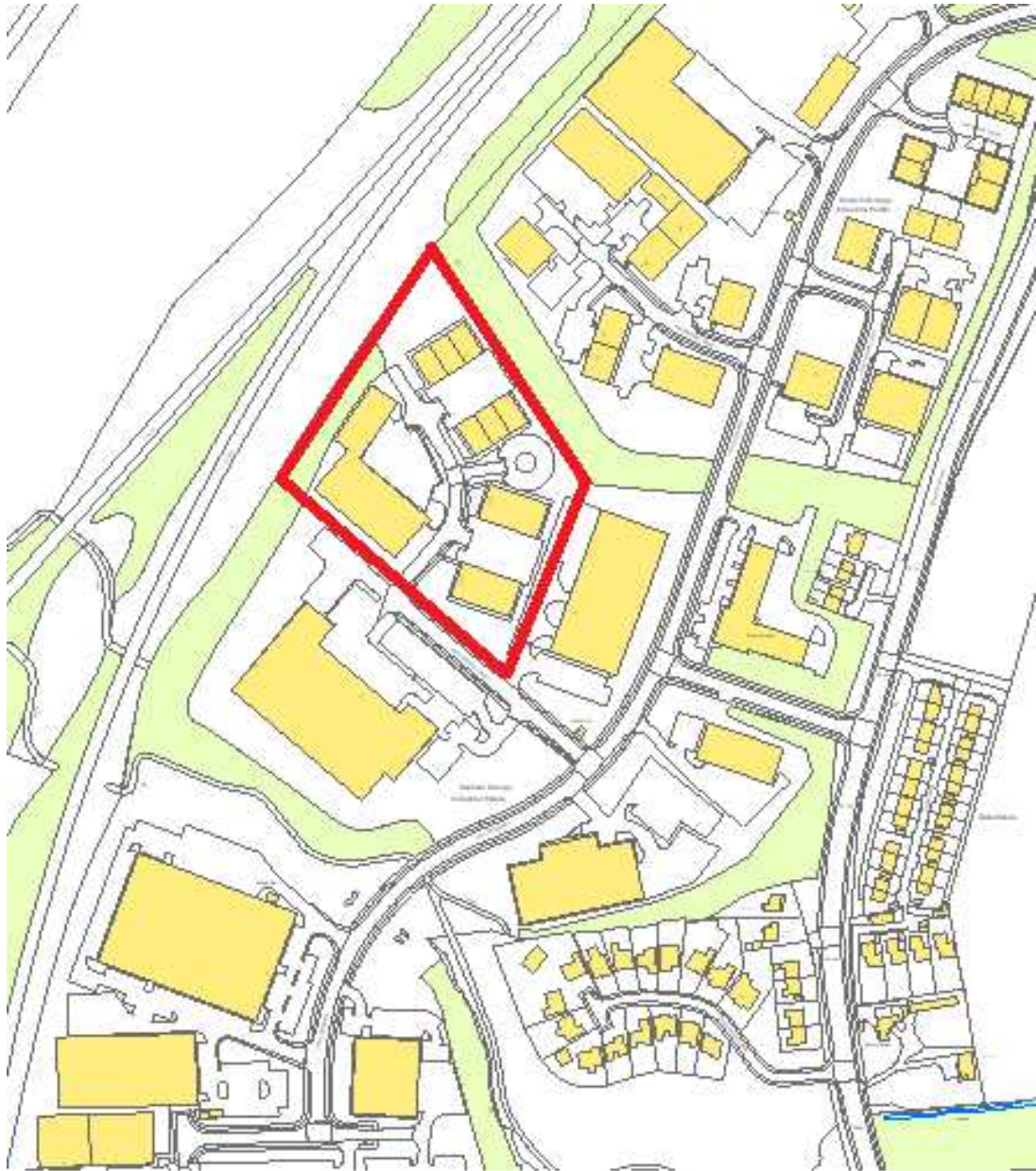
Reason: In the interests of the appearance of the area and to comply with Policy 35 of the Easington District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District of Easington Local Plan 2009
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

**Extension to existing factory at
Prima Cheese Limited, 13
Partnership Court, Seaham Grange
Industrial Estate**

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**Date
13th September 2016**

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03402/FPA
FULL APPLICATION DESCRIPTION:	Conversion and extension of existing equestrian and agricultural buildings to form 9 dwellings, a replacement bungalow and erection of new garage blocks
NAME OF APPLICANT:	Mr I Brewis
ADDRESS:	Sheraton Hill Farm, Sheraton, Hartlepool, TS27 4RE
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to land and buildings at Sheraton Hill Farm, situated to the south of Bellows Burn Lane to the east of the A19 dual carriageway. The farmstead comprises a large group of agricultural storage buildings and equestrian buildings, including livery stables and a large indoor riding arena.
2. There are four existing dwellings at the farm. These include the main two storey brick farmhouse situated to the south west corner of the farm grouping and a brick bungalow to the south east. There are two further bungalows located amongst open land, approximately 100 metres to the west of the main farm grouping and are accessible via the existing farm track.
3. The site is accessible via a farm track from Bellows Burn Lane. The surrounding land is mainly agricultural in character although some of the open fields are used for the grazing of horses in conjunction with the existing livery use.

The Proposal

4. Planning permission is sought for the conversion and extension of existing equestrian and agricultural buildings to form 9 dwellings, a replacement bungalow and erection of new garage blocks
5. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

6. No planning relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
9. The following elements are considered relevant to this proposal;
10. *NPPF Part 6 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning
12. *NPPF Part 12 – Conserving and enhancing the historic environment.* The Planning System should contribute to and enhance the built environment by protecting and enhancing valued heritage assets.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

District of Easington Local Plan

13. *Policy 1 (General Principles of Development)* states consideration should be considered of whether a proposal would accord with the principles of sustainable development together with many benefits to the community and the local economy.
14. *Policy 35 (Design and Layout of Development)* requires the design and development to conserve energy where possible, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious impact on the people living and working in the vicinity.
15. *Policy 36 (Design for Access and the Means of Travel)* states that new development shall ensure good access and encourage alternative means of travel.

16. *Policy 37 (Design for Parking)* states that the design and layout of new development should seek to minimise the level of parking provision.

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *County Highways Authority* has not raised any objections to the proposed scheme. The passing place along the private access track is welcomed however a further four passing places would be required along Bellows Burn Lane. A condition is therefore recommended for these passing places to be constructed prior to occupation of the properties.
18. *Northumbrian Water* has not raised any objections having assessed the proposed scheme.
19. *Drainage* has not raised any objections the proposed scheme.
20. *The Coal Authority* has confirmed that the application site does not fall within a development high risk area.
21. *Highways England* has not raised any objections to the proposed scheme.

INTERNAL CONSULTEE RESPONSES:

22. *Environmental Management (Contamination)* has not raised any objections to the proposed development. A condition is required for further contamination assessments to be undertaken.
23. *Environmental Management (Noise/Odour/Dust)* have no objections to this application.
24. *Ecology* has not raised any objections. A condition is recommended for the mitigation detailed in the ecology survey to be adhered to.
25. *Archaeology* supports the reuse of historic buildings and bringing the non-designated heritage asset back into use. Conditions are recommended in relation to archaeology works.

26. *Design and Conservation* have stated that there are no heritage or design objections to the proposed development.

27. *Public Rights of Way* have not raised any objections.

28. *Sustainability* have indicated that they cannot support the scheme due to the isolated location of the development.

29. *Landscape* considers that the proposals from a landscape and visual impact potentially to be limited to the immediate adjoining countryside.

PUBLIC RESPONSES:

30. The application has been advertised in the local press and a site notice was posted close to the site. Neighbouring properties were also notified in writing. No letters of public representations have been made however the Campaign to Protect Rural England have raised some concerns regarding the sustainability credentials of the proposed development.

APPLICANTS STATEMENT:

31. The proposals principally relate to the sensitive conversion of a non-designated heritage asset (the main building) to provide for a viable use that secures its long-term conservation. The conversion of the adjacent agricultural building for residential use and the replacement of the existing bungalow with a further residential unit helps to ensure a viable development scheme is delivered. The principle of the proposals is therefore in accordance with Paragraph 126 of the NPPF and Policy 35 of the emerging County Durham Plan.

32. In design terms, the proposals make efficient and effective use of the existing buildings subject to conversion without the need for substantial alteration or disproportionate extension. The proposals are sensitive to the character of the buildings and, together with the demolition of a number of larger agricultural buildings within the site, would result in a significant enhancement of the visual amenity of the site and its immediate landscape setting, in accordance with Policy 55 of the NPPF.

33. The proposals make use of the existing vehicular access which is of a reasonable standard of construction. Due to the replacement of the existing livery and agricultural uses, the proposals would result in fewer vehicle movements to the site and would result in a less-intensive use of the access overall. The Applicant has worked with the Council to secure improvements to the existing access and is willing to accept a condition for the provision of passing places on Bellows Burn Lane, linking the site to the A19.

34. The planning application has addressed all detailed issues relating to design and layout, car parking, ecology and flood risk and there are no outstanding issues that preclude approval of the application. The Applicant submits that the proposed development is in conformity with current policy advice regarding the re-use of rural buildings and would result in economic benefits that will provide a boost to the local economy.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development; visual impact and impact on heritage assets; residential amenity; highway considerations; and ecology.

Principle of development

36. A material consideration in determining the principle of development for this proposal is the requirements of paragraph 55 of the NPPF which state that new isolated homes in the countryside can be permitted where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

37. It has been identified that the main building (proposed to be converted into 8 properties) on the application site was originally an agricultural building which is unique in the context of agricultural architecture within County Durham and is regarded as a non-designated heritage asset. The conversion details of this building will be fully detailed in the section below however it is noted that the Design and Conservation Team consider this building worthy of retention and conversion. Given the proposals would be for the conversion of a building which would help secure the longevity of this important heritage asset, it is considered that the principle of development can be accepted in this instance. It is acknowledged that the building is not disused, as it is being used as part of the existing livery business, however the conversion of the building to residential would ensure that the architectural qualities of the building are retained and secured.

38. The proposals also include the conversion of a barn into a single residential unit and the demolition of an existing bungalow to be replaced by another bungalow. It is accepted that the barn proposed for conversion may not have any architectural merit however structurally it is capable of retention. The conversion of this barn would positively impact on the setting of the non-designated heritage asset and can be considered acceptable in this instance. The existing bungalow on the site is a small residential unit and it was originally proposed to extend this property. In order to provide a balanced design which would fit in with the overall development scheme, it was considered that a replacement bungalow would be visually more appropriate. In principle the replacement of this bungalow is considered acceptable.

39. It is noted that concerns have been raised from the Council's Sustainability Officer and the Campaign to Protect Rural England in terms of the sustainability credentials of the development. However given the main building on the site has been identified as a non-designated heritage asset worthy of retention and conversion, it is considered that the proposed scheme is acceptable in principle and is in accordance with paragraph 55 of the NPPF.

40. This application seeks permission for the conversion and extension of existing equestrian and agricultural buildings to form residential dwellings. Also included is the erection of a new replacement bunaglow, erection of garage blocks and associated infrastructure and landscaping. At the centre of the development is a range of buildings which on closer inspection and the greater understanding provided by the submitted heritage statement are considered to be non-designated heritage assets, their retention, enhancement and improvement is therefore welcomed. The attention to detail in the proposed conversion and extension coupled with the attention to detail in the new build elements arranged appropriately around a series of spaces have all come together to create a development with a real sense of place and quality creating a pleasing environment in which to live.
41. The farmstead comprises a large group of agricultural storage buildings and equestrian buildings, including livery stables and a large indoor riding arena. The buildings include a traditional timber framed building to the centre of the steading which was originally an agricultural building but now accommodates a large number of DIY livery boxes. This building was originally designed on an E-shaped plan but has since been extended. It has been identified that this building is unique in the context of agricultural architecture within County Durham and is regarded as a non-designated heritage asset.
42. The submitted heritage statement reinforces original suspicions about the importance of the main structure on the site adequately identifies the significance as follows:
- “The building at Sheraton Hill Farm is a well-preserved example of a planned, ‘model’ farm development at the end of the Victorian period. It is unusual in that it is of such a late date, representing a stage of development rarely found in an area where planned farm developments are usually of a time at least decades, and often a century, earlier. It is significantly different from the planned farms of Enclosure times, which usually consist of ranges of relatively low buildings set around a rectilinear yard. Although, unfortunately, no architect has yet been identified it has been possible to reconstruct a basic historical context for its creation. The farm at Sheraton Hill is an important link in the landscape, economic and demographic development of the area. The building may therefore be said to have a considerable historic significance, and to be worthy of preservation for this reason.”*
43. The proposed scheme presents a well detailed, creative and imaginative reuse scheme for the site. It has real potential to create a sense of individual place based on the character and quality of the retained buildings and their landscape context. New development along with ancillary structures and the creation of a series of interlinked semi public spaces all combine to enhance the setting of the main building. Although small, the scheme is considered to address various strands of best practice to create quality development. The impact of the proposal whilst changing the use of the building and thus eroding some of the historical context is overall, considered to be positive. It better reveals the original plan form, restores important features and perhaps most importantly secures a long term sustainable and viable use for the buildings without compromising their setting with excessive inappropriate development; this in turn will ensure appropriate maintenance.
44. Overall, it is considered that the proposed scheme is acceptable in design terms and would not have an adverse impact on the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance with policies 1 and 35 of the local plan.

45. The general principles in regard to materials are considered to be acceptable. It is recommended however that conditions are imposed for full details to be submitted for approval. Conditions are therefore recommended in relation to external materials and finishes including colours, hard and soft landscaping and hard standing areas. In order to protect the significance of the non-designated heritage asset and its setting a condition for the removal of permitted development rights is also recommended. Details have been submitted in relation to boundary treatment. A mixture of post and pole fencing, post and wire fencing and brick walls are to be used to define boundaries. These details are considered acceptable and would respect the setting of the site and buildings.

Residential amenity

46. The application site is within a fairly isolated location with the nearest residential property being the main farm house located to the south of the site. There is sufficient separation distance between the proposed buildings and the existing neighbouring properties to ensure there would be no loss of privacy or any adverse impacts in terms of overbearing or overshadowing effects. Each proposed property would have some garden area to be utilised as amenity space.

47. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenity of surrounding neighbouring properties. Future occupiers of the proposed residential units would also have adequate levels of amenity. The proposals would be in accordance with policies 1 and 35 of the local plan.

Highway considerations

48. The application site is accessed along single track lane, Bellows Burn Lane, which meets the junction with the A19. The Highways Officer has indicated that for this lane to be utilised as the access for the residential development then four passing places are required to be constructed along Bellows Burn Lane. The applicant has agreed to these passing places and a condition is therefore recommended for these passing places to be constructed prior to occupation of the properties. It is also noted that a passing place is proposed along the private access track and this is welcomed by the Highways Officer.

49. The proposed scheme provides each property with a garage and parking spaces. The Highways Officer has indicated that the proposed parking provision is acceptable.

50. The proposed development is considered to be acceptable in highway terms and highway safety would not be compromised. The proposal is considered to be in accordance with policies 36 and 37 of the local plan.

Ecology

51. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

52. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
53. An Ecology Survey of the site has been submitted with the application. This survey concludes that the proposed development would not incur an impact to a bat roost and the disturbance impacts to foraging and commuting species can be minimised through mitigation. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
54. Overall it is considered that the proposed development would not have an adverse impact on protected species or their habitats. The proposal would be in accordance with part 11 of the NPPF.

Other issues

55. The County Archaeology team have not raised any objections to the proposed development. To ensure that the development does not impact on any potential archaeology remains, a condition is recommended for further investigation works to be undertaken. A condition is recommended accordingly.
56. The Council's Contamination team have not raised any objections to the proposed development. To ensure that the future occupiers of the proposed residential properties are not adversely affected by potential contaminants, a condition is recommended for further investigation works to be undertaken. A condition is recommended accordingly.
57. The Council's Drainage Officer, Northumbrian Water and the Coal Authority have not raised any objections to the proposed development. It is therefore considered that the proposal would not have any adverse impacts on drainage, flooding or land stability.

CONCLUSION

58. The proposed development would secure the retention of a non-designated heritage asset and ensure the longevity of the heritage asset. The principle of residential development can therefore be considered acceptable and in accordance with paragraph 55 of the NPPF as the development would lead to an enhancement to the immediate setting.
59. The proposed building has been suitably designed and would not appear visually intrusive within the surrounding area. It is considered that the proposed development would not have an adverse visual impact on the appearance of the area and would not compromise the landscape character of the surrounding area. The proposals would be in accordance with policies 1 and 35 of the local plan.

60. The proposed development would not have an adverse impact on the residential amenity of surrounding neighbouring properties. Future occupiers of the proposed residential units would also have adequate levels of amenity. The proposals would be in accordance with policies 1 and 35 of the local plan.
61. Suitable access would be provided to the proposed development and adequate parking provision would be included. Highway safety would not be adversely compromised and the proposals would be in accordance with policy 36 and 37 of the local plan.
62. The proposed development would not have an adverse impact on protected species or their habitats. The proposal would be in accordance with part 11 of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
788-11 B	Proposed Site Layout	17/08/2016
788-12 B	Proposed Boundary Treatment	17/08/2016
788-LP A	Location Plan	29/06/2016
788-22	Proposed Passing Place	29/06/2016
788-18 A	Proposed Plan Layout and Elevations – Detached Bungalow	29/06/2016
788-17 B	Proposed Plan Layout and Elevations – Detached Barn Unit 11	29/06/2016
788-14 A	Proposed Plan Layout – Main Barns	12/11/2015
788-13	Proposed Plan Layout – Main Barns	12/11/2015
788-20	Proposed Plan Layout – Garages	02/11/2015
788-16	Proposed Plan Layout and Elevation – Detached Barn Unit 9	02/11/2015
788-15	Proposed Elevations – Main Barn	02/11/2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 1 and 35 of the Easington District local Plan 2001.

3. No development hereby permitted shall commence until details of all external materials including colour finishes have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the non-designated heritage asset and to comply with part 12 of the NPPF.

4. No development hereby permitted shall commence until details of all hard standing areas have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the non-designated heritage asset and to comply with part 12 of the NPPF.

5. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following in writing:

Pre-commencement

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

6. Prior to any development commencing a scheme showing passing places to be introduced on Bellows Burns Lane must be submitted to and approved in writing by the Local Planning Authority. The passing places on Bellows Burns Lane must be constructed in accordance with the approved details prior to the buildings being occupied.

Reason: In the interest of highway safety and to comply with policy 36 of the District of Easington Local Plan.

7. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:
 - i. Methodologies for a Historic England-style building record prior to any conversion works or stripping out of fixtures and fittings.
 - ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
 - iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with paragraphs 135 & 141 of the NPPF because the site is of archaeological interest.

8. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraphs 141 of the NPPF which ensures information gathered becomes publicly accessible.

9. No development hereby approved shall take place unless in accordance with the mitigation and recommendations detailed within the Ecological Appraisal by Naturally Wild Consultants Ltd dated 26/03/2015.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A to H of Part 1, Class A of Part 2 and Classes A, B, H and I of Part 40 of Schedule 2 of the said Order shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the Local Planning Authority.

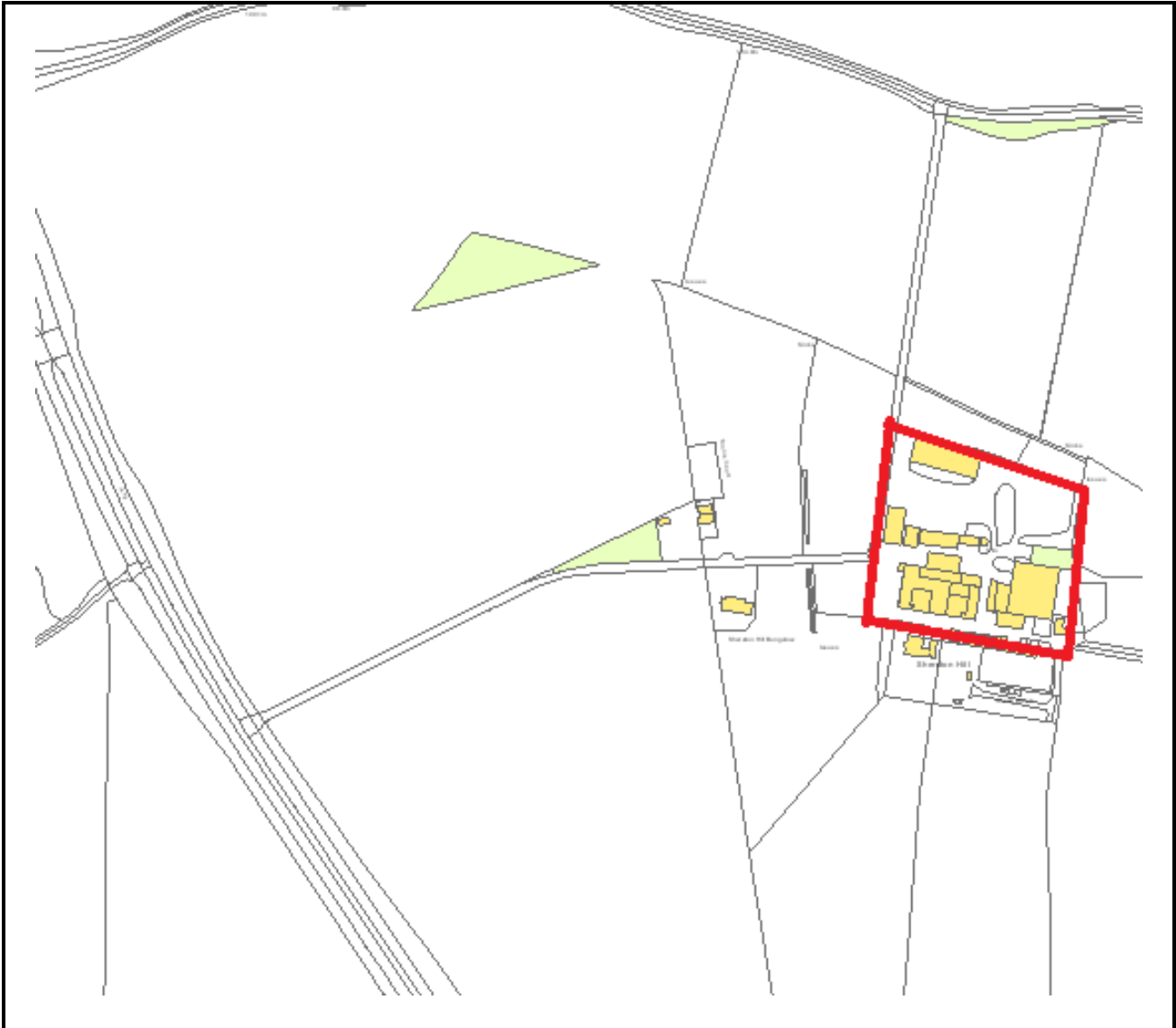
Reason: In order to minimise the impacts on the setting of the non-designated heritage asset and to safeguard residential amenity, in accordance with policy 35 of the District of Easington Local Plan and part 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District of Easington Local Plan 2009
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Conversion and extension of existing equestrian and agricultural buildings to form 9 dwellings, a replacement bungalow and erection of new garage blocks at Sheraton Hill Farm, Sheraton, Hartlepool, TS27 4RE Ref: DM/15/03402/FPA

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Date
13th September 2016

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