



Area Planning Committee (Central and East)

Date Tuesday 10 January 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest, if any
4. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/16/02695/FPA - 16 Nevilledale Terrace, Durham, DH1 4QG
(Pages 3 - 16)
Erection of single-storey extension at rear of dwelling (retrospective application).
 - b) DM/16/03533/FPA - 7 Friars Row, Gilesgate, Durham, DH1 1HF
(Pages 17 - 24)
Front canopy, two-storey side extension and single-storey rear extension (part retrospective).
 - c) DM/16/01896/FPA - 24 The Avenue, Durham, DH1 4ED
(Pages 25 - 38)
Erection of three terraced 6 bedroom properties for either occupation as houses in multiple occupation use (use class C4) or as family houses (use class C3) with associated alterations (amended description).
 - d) DM/16/03084/FPA - Ness Furniture Ltd, Thinford, Durham
(Pages 39 - 48)
Subdivision and refurbishment of the former NESS factory to create units for B1, B2 and B8 uses.
5. 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
22 December 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

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02695/FPA
FULL APPLICATION DESCRIPTION:	Erection of single-storey extension at rear of dwelling (retrospective application).
NAME OF APPLICANT:	Mr Simon Atkinson
ADDRESS:	16 Nevilledale Terrace, Durham, DH1 4QG
ELECTORAL DIVISION:	Neville's Cross Lisa Morina Planning Officer
CASE OFFICER:	03000 264877 lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. This application was previously considered at the planning committee meeting on 8 November 2016. Members resolved to defer a decision pending receipt of further clarification of the differences between the approved scheme, the development as completed and the proposed amendments. This report has been amended accordingly, with updates shown in bold type to differentiate them from the original consent.

The Site

2. The application site is a two-storey mid terraced property situated within Nevilledale Terrace which is a stepped gently curving Edwardian terrace located within the western part of Durham (City Centre) Conservation Area. The rising terrace consists of 37 properties divided into 3 blocks occupying an elevated position overlooking Crossgate Peth, a historic route way into the city, with further residential dwellings to the north, south and east.

The Proposal

3. This application seeks retrospective consent for the erection of a single-storey extension at the rear of the dwelling. A previous consent was granted for a single-storey extension however, during construction works, it was found that the approved scheme could not be implemented due to land levels, and therefore the proposal was not constructed in accordance with the approved plans with regards to the height of the extension.
4. The original scheme approved a single-storey flat roofed proposal with a height of 3.5m. This application shows an overall height of 4m at its highest point taking into consideration the change in the land levels on the site.

5. Amendments have been received which remove the lantern and replace this with two conservation style roof lights and a reduction in height to 3.7m. Re-notification was carried out to neighbours. A further amendment which replaces the two flat roof lights with a single larger roof light was also received along with specification details of both the roof light and the aluminium trim. Given the minor changes involved, it was not felt that further re-consultation was required in this instance.
6. The application is being referred to the planning committee at the request of Cllr Holland supported by Cllr Martin due to its location within the Conservation Area and the work that has already been carried out.
7. **The application was deferred from the November Committee for further confirmation of the full changes that have been proposed compared to what has been constructed and what has previously been approved.**
8. **Concern was raised by Councillors at the committee with regards to the use of aluminium trim which had been suggested by the Conservation Officers in order to allow the height to be kept to a minimum. Amendments have since been received which propose to omit the proposed aluminium trim in favour of traditional coping stones which are currently in place and would be re-used if possible, alternatively replacements will be sourced to match those which currently exist.**
9. In respect of the further clarification requested by officers the table below outlines the differences between what was previously approved and is still a valid consent, the current on site circumstances and the amendments proposed by the applicant.

	Approved Scheme	Scheme Constructed	Proposed Amendments
Width	4.2m	3.9m	3.9m
Length	7.8m	7.8m	7.8m
Height of walls	3.5m	3.9m	3.75m
Overall height including roof glazing	4m	4.5m	4m
Type of roof glazing	Lantern	Lantern	Roof Light
Fenestration	UPVC Doors	UPVC Windows	UPVC Windows

10. **Concern was also raised regarding the use of UPVC, however; the original extension which was replaced consisted of UPVC windows as does the rear of the house with timber being in place on the front elevation and also the approved scheme contained UPVC materials.**
11. **From the table above, it can be seen that the overall height of the proposal including the roof glazing is the same as that which was granted consent as part of the approved scheme with the only difference being the wall height being increased by 25 cm (taking into account the change back to coping stones). The width of the extension is also slightly narrower by 30 cm.**

PLANNING HISTORY

12. **As stated above, a single-storey extension was approved in 2015 under reference DM/15/02807/FPA.**

PLANNING POLICY

NATIONAL POLICY:

13. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
14. 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'.
15. The following elements are considered relevant to this proposal;
16. 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.
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 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. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Development which will lead to substantial harm or loss of significance of a designated heritage asset, permission should be refused, unless the harm or loss is necessary to achieve substantial public benefits.

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

19. Policy E6 (Durham City Conservation Area) sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
20. Policy E22 (conservation Areas) sets out that the authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposal should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing architectural features

21. Policy Q1 (Design) sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
22. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
23. Policy T10 (Parking – General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
24. Policy Q9 (Alterations and Extensions to Residential Properties) state that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.

RELEVANT EMERGING POLICY

The County Durham Plan

25. 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:

26. None

INTERNAL CONSULTEE RESPONSES:

27. Design and Conservation have offered no objections on heritage or design grounds providing some amendments are received.
28. In response to the amendments, the Design team commented that the amendments received were positive. This redesign of the existing structure would serve to address the main issues contributing to its dominance and impact in the rear streetscape by removing arguably the most intrusive and noticeable feature i.e. the roof lantern, and reducing the height from 3.9metres to 3.7metres. The extension would still be greater in height than that previously approved but the difference is relatively marginal which would not be considered excessive or result in an extension significantly harmful within the context. The new height as proposed would also be very similar to the outbuildings that formerly occupied the site at their highest point.

29. Following on from the re-consultation in December 2016, the Design and Conservation Officer has commented that the extension as built is of an inferior design and quality compared to that originally approved however, inclusion of a parapet (formed by the coping stones) would serve three functions, providing a barrier at the edge of the roof that would conceal the flat roof, conceal the lower part of the roof-light, and provide a traditional detailing to the perimeter of the roof, the proposed revisions would improve the current appearance, while bringing the height down to 250mm over the original scheme, which is minimal, rather than the 400mm as it stands at present.
30. The comments in relation to the installed two white PVCu windows are noted, but the extension demolished had PVCu windows and a PVCu door, and the rear streetscape is awash with this modern material, so an objection would be difficult to uphold on this basis alone. The Article 4 Direction is primarily in place to remove permitted development rights in order to prevent the loss/erosion of traditional materials and architectural features in the streets identified and replacement in an unsympathetic manner to relative frontage locations for example the loss of traditional timber sashes within a front elevation for PVCu windows.

PUBLIC RESPONSES:

31. The application has been advertised with a press notice and on site by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, 33 letters of objection have been received including objections from the MP for the area, as well as the City of Durham Trust and Crossgate Community Partnership. 30 letters of support have also been received.
32. The objections include:
- The footprint of the proposal leaves no amenity space (i.e. for storage of rubbish or recycle bins or bicycles)
 - The higher flat roof as built is inappropriate for a house listed as a "non-designated heritage asset" within Character Area 3 of the Conservation Area.
 - The bulk/size of the extension and the large upvc conservatory type roof light is a visual intrusion especially when viewed by pedestrians walking down the hill.
 - There was a logic in reusing the existing coping tiles as part of the previous design. Now they have been built into a much higher wall they look completely out of context. It was stated that the height would be 2.9m and 2.5m however, 3.2m and 2.965m has been used.
 - The type of brick used is out of keeping with the contemporary brick used along the terrace.
 - The rear of the terrace is very visible, comprising of notable unlisted buildings with yards and small gardens enclosed by brick built walls.
 - The development does not adhere to policies E6 and E22 in the Saved City of Durham Local Plan.
 - The flat roof is topped by a reflective, high, prominent, UPVC conservatory style roof lantern and cannot be considered as simply styled which was one of the original reasons for approval of the previous consent.
 - The new rear wall is approximately one metre higher than the original wall and there is no stepping down to match the existing rear street scene.

- The extension is immediately noticeable from anywhere in the rear street, due to the scale and design, which do not conform to the existing form of the terrace.
- This development detracts from the Conservation Area.
- The shape of the extension is unlike anything else in the area (a pitched roof is typical)
- The size of the extension seems disproportionate and not in keeping with others in the street - It is extremely high (much higher than originally) It is very wide.
- The proposal is closer to two-storey than one storey
- Any build should be sensitively built to an area such as this and for it to remain in keeping and be architecturally appropriate to these Edwardian properties and this proposal does not do this.
- The applicant has flouted the conditions of the previous application and without reason built a larger extension.
- The approval of retrospective consent will not rectify the fact that the proposal is out of keeping with the character of the area.
- The revised application does not comply with the terms of the original permission.
- The revised plans are incorrect.
- The proposal should be reverted back to what was previously approved.
- The slices of original coping stones are not acceptable
- The proposal is not sensitive to the area
- The proposal is visually intrusive and an eyesore which dominates and detracts from the traditional nature of the area
- The proposal, if approved will set a very unfortunate precedent
- No 15 has provided an extension which is considered appropriate and this extension should be refused.
- The extension is not a positive addition to the area or the rear lane of Nevilledale Terrace
- The proposal goes against the article 4 direction imposed in 2007
- The satellite dish is above the skyline
- The back gate is wider than the original
- The extension is of poor workmanship
- The window materials are not acceptable.
- The conclusion of the conservation officer does not meet with the Conservation appraisal
- The application should be refused and enforcement proceedings started
- The changes from the previous are unacceptable and goes against the previous report which approved an extension

33. The letters of support include:

- The extension has improved the house and provided better accommodation for tenants.
- Landlords often face venom for attempting to improve their property.
- The changes are minor/minimal
- Students deserve to have improving living conditions
- The proposal does not stick out like a sore thumb and gives a new lease of life to a tired house
- Students should not be left without accommodation and landlords should not be afraid of starting developments
- The proposal has not inflicted significant harm to the heritage asset
- There is a demand for high quality student accommodation

- The benefits outweigh the negatives
- The bricks used are a lot more in keeping than many other bricks used up and down the street
- The modern houses to the rear of Nevilledale Terrace (Summerville) are the real monstrosities in the street
- The proposal has been completed to a very high standard
- The original re-instated coal chute is considered appropriate
- The proposal meets policy E6 of the Local Plan
- The proposal is simple and robust
- The proposal has rebuilt a previous bowing and dangerous wall
- The concerns are attempting to strangle the supply of student accommodation at a time of serious shortage.
- This application is a serious waste of council officials time and taxpayers money

34. Following re-consultation of the amended plans received, the City of Durham Trust and Roberta Blackman Woods MP have clarified they still object to the proposal and 8 letters of objection have been received with the following additional concerns not raised during the earlier consultation:

- Why has the height of the wall not come down to what was previously agreed
- The planning department must make a stand and not allow a very bad precedent to be set for the area which is deteriorating.
- The proposal should be re-built to correct standards
- A fine should be issued for the damage to the original coping stones as they are of historical and architectural significance.
- The proposed modifications offer only slight improvements and do little to amend the harm done to the conservation area. The aluminium edge causes further alarm.
- The proposal should not be allowed to be negotiated after completion after policies are ignored.
- The previous approval should not be used and this application should be considered as a standalone application.
- The roof lights are an improvement
- The plans don't show a fall on the flat roof.
- The windows used are unattractive and poorly proportioned
- Information provided regarding a famous person who has been instructed to remove an extension to her Georgian property because of the wrong materials.
- The UPVC windows should be removed and an opportunity has been missed to enhance the conservation area.
- The proposal contravenes the Durham City Centre Conservation Area Character Appraisal and the City of Durham Local Plan Policies.
- Significant changes are needed
- **Without major amendments the extension detracts significantly from the whole of Nevilledale Terrace and reflects poorly upon recent improved standards in Durham City and that of the Durham County Council Planning Department.**

35. **Crossgate Community Partnership also commented stating they have considered the proposed amendments to this retrospective planning application at their meeting and also had the chance to read the committee report. The unanimous view of the meeting was that the revised proposals are still unacceptable and consequently they urge the Committee to refuse this application. The report states that "it was found that the approved scheme could not be implemented due to land levels". There is no evidence in the online planning file to support this statement. In any case, once the applicant had discovered problems work should have stopped and modifications submitted.**
36. **The Design Team comments that "the amendments received were positive" but this is in comparison to the structure as built. In their original objection they referred to Saved Policy E22 of the City of Durham Local Plan, and the justification at paragraph 3.86 "New development in or affecting the setting of a conservation area must protect or enhance its character." What the Design Team are saying is that the proposal is not as bad as it might have been. It is not an enhancement and the Design Team do not say that it is.**
37. **On re-reading the public responses, it is clear that many objectors back up their comments by references to the relevant planning policy. The supporters, on the other hand, do not cite planning policy and indeed appear unaware of the implications of this in general or specifically the conservation area status of this site, which is also subject to a long-standing Article 4(2) Direction.**
38. **Local residents have drawn attention to the harm that this unauthorised development has caused, and many of these issues are not addressed by the amended application. Consequently Crossgate Community Partnership continues to recommend refusal of this planning application.**
39. **A Further letter of support for the application stating they don't feel the amendments are necessary has been received.**
40. **A further re-consultation in December 2016 has resulted in one additional letter being received, however; no additional issues have been raised.**

APPLICANTS/AGENTS STATEMENT:

41. **Pre planning and design advice was given to the applicant and the pitched roof originally envisaged was considered unacceptable.**
42. **As a result, the preferred option approved by officers was a flat roof – the addition of a lantern and parapet wall was incorporated to give a contemporary alternative. No objections to the application on heritage or design grounds were made.**
43. **Retrospective planning is now sort for the following proposed amendments**
 - 20cms additional height
 - Change bi fold door to two windows
 - Remove lantern and replace with roof light.
44. **Due to a miscalculation from street level to actual floor height and the requirement of a parapet, the extension is some 45cms over the approved height. The approved lantern also adds to the height. A set of folding doors has been changed to two windows to create a better-equipped kitchen.**

45. Following consultations with planning, design and heritage officers, a revision to the roof arrangement has been recommended by officers. The effect of this recommended revision will result in a difference of 20cms in height between the previously approved plans and what is now proposed.
46. Officers also consider that substituting the approved lantern with a roof light will be less of an impact. The applicant is fully supportive of these officers' recommendations.
47. **Further additional information has been received from the applicant**
48. **Would just like to support what the planning officers have done - that is to clear up any confusion from the last meeting.**
49. **The amendments are:**
- **20cms additional height from that already approved.**
 - **Change approved bi fold door to two windows**
 - **Remove approved lantern and replace with roof light.**
 - **As the committee did not agree with their officer's suggestion of an aluminium trim, their aim being to keep the height to a minimum. I am happy to offer a coping stone finish to the wall. I estimate the height of the coping and mortar to be approximately 4-5 cms, hopefully the coping would offer a more pleasing finish.**

PLANNING CONSIDERATIONS AND ASSESSMENT

50. 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 impact on the residential amenity of the neighbouring properties and the impact on the visual amenity of the area including the conservation area in which the property is sited.

Impact on residential amenity

51. It is considered that the proposal would not result in a significant detrimental impact on the residential amenity of the surrounding residents.
52. The original extension which was in place along the common boundary with no.17 had a height of 3.5m and the changes proposed to the current scheme would result in an overall height of 3.75m. Given this, it is not considered that the additional increase in height of 0.25m, about nine inches in Imperial measurement, would have a significant negative impact on this neighbour that would warrant a refusal of this application.
53. The neighbour at no. 15, given the layout, is not considered to be significantly negatively impacted upon as the extension is positioned away from the shared boundary.
54. There are no other neighbours which would be affected by this proposal in respect of impact on the amenity of the residents.
55. The application is therefore considered an appropriate addition in relation to policy Q9 of the Local Plan with regards to impact upon amenity of adjoining neighbours.

Impact on the visual amenity of the area

56. As the property is located within the Durham (City Centre) Conservation Area the application should be assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the proposal to either preserve or enhance the character and appearance of the Conservation Area.
57. Concern has been raised that the proposal is not sympathetic to the surrounding area given its location within the conservation area, and does not represent an appropriate form of development within the existing streetscene due to its design, size, materials and construction.
58. Approval of the proposal is being sought on a partially retrospective basis as it has not been constructed in accordance with the approved plans of the previous consent and further amendments are proposed to what is currently on site. It has been built higher, window openings have been altered and the roof lantern is different. In respect of the materials, these were not submitted for approval by officers in accordance with the relevant planning condition that formed part of the previous consent.
59. In respect of concern over the shape and footprint of the proposal, the footprint and shape were approved under the previous consent as being considered appropriate. In respect of the shape, it was felt that a flat roofed proposal with detailing was visually less intrusive than a shallow pitched roof which was not considered to provide the steep traditional roof pitch that is usually associated with these types of dwellings. Therefore, the shape of the extension has previously been approved.
60. Following submission of the retrospective application, negotiations have been taking place between the applicant and officers to establish whether revisions to the scheme could reduce its impact to a degree that would overcome the concerns raised. **As a result, and although not yet carried out, changes have now been proposed which include the removal of the lantern and the reduction in the height to 3.75m. Therefore, essentially that which is to be assessed is an additional height of 25cm, or 9.8 inches.**
61. **Concern has been raised that the proposal has not been amended back to the height that was previously approved, however this would result in the development not requiring any further planning approval given this consent is still valid and a fall-back position is available in this instance. The applicants have, however, asked officers to consider an additional 25cm in wall height; with the change from the lantern to the roof light this would result in the overall height including roof glazing being the same. These changes would avoid significant construction changes being required to the proposal. Concern was also raised over the fact that the proposal is being considered in conjunction with the previous consent, however, as stated above the previous consent is still valid and therefore, is material in the determination of this amended application.**
62. **It is acknowledged that the proposal is not that which has been previously approved. It is further considered by officers that the current scheme as built is unacceptable and that changes are necessary. As a result of further negotiations following the committee meeting, however, a difference of 25cm in wall height is considered minimal and results in a proposal which cannot be considered to have a significantly greater impact than that already approved.**

In addition to this, it is considered that the changes proposed would create a traditional approach to the extension whilst keeping the height lower than that which is currently in place resulting in a development which is considered acceptable in term of relevant policy. The proposal as amended, therefore, is not considered to have a significant detrimental impact that would warrant a refusal of this application given the increase in height would be limited from the current fall-back position.

63. It is acknowledged that the brick was not approved as part of the previous consent; however, the brick used is not considered to have a detrimental impact on the streetscene and is of an appropriate quality. While there may be other options that would have been more appropriate, the brick used is considered a warm red with some colour variation and texture which is not considered to unreasonably stand out given the mixture of brick types in close proximity to the site. The brick colour and quality, therefore, is not considered a sufficient reason for refusal.
64. The addition of the coping stones to the rear elevation is considered to be acceptable in an attempt to visually mimic the original configuration of the boundary wall as well as the coal chute and gated rear entrance. These are all considered to help in the design of the proposal and are not considered to have a detrimental impact on the streetscene or the conservation area. They were also included in the approved scheme. Concern is raised over the way that this has been attached to the proposal and that a fine should be given due to the way in which the coping stones have been affected given their historical and architectural appearance. However, no action is considered necessary in respect of this issue, given the limited nature of the works. Furthermore, as the building is not listed, no offence has been committed that could require payment of a fine.
65. Objections have been raised that the proposal is not in keeping with the rear streetscene of the proposal and not in accordance with the Durham City Conservation Area Character Appraisal and City of Durham Local Plan Policies and that the Council has missed the opportunity to enhance the conservation area.
66. It is acknowledged that all heritage policies apply to all façades of heritage assets, particularly when in the public domain, but the heritage values of the host building primarily relate to its original constructional form as part of the terracing, which is still clearly legible and physically unaffected, and the architectural and aesthetic qualities of the frontage which is unchanged.
67. The back lanes of the Victorian and Edwardian terraces are of value to the conservation area, but like many other similar streets, the heritage qualities of the rear street environment have been eroded by alterations and expansion over time for example the neighbouring property has a 2-storey flat roofed extension, further down the street there is a PVCu infill addition, and there are numerous examples where large sections of original rear boundary walls have been lost. Given this, the significance of the rear is considered to be less than the front of the dwellings in this instance and UPVC is considered a common feature. Given this, it is not felt that the use of UPVC can reasonably be restricted in this instance and therefore, the request to remove all UPVC from the property is not considered reasonable. This is due to the extent of the use of UPVC within the rear lane already. In addition to this, the appraisal states “officers will discourage the use of UPVC” but does not go as far as to state that it is not allowed.

68. Within conservation areas, Local Planning Authorities have a legal duty to preserve or enhance such areas; however in determining this application officers are required to balance the harm of the extension on the conservation area / rear street scene and it is considered that with the changes now proposed to this extension and the minimal change in height which would be created from the previously approved scheme, the additional impact would not be significant enough to warrant a refusal of the application as it would have a neutral effect on the character and appearance of the conservation area and would cause no significant harm. The applicants have agreed to remove the most intrusive component which can be dealt with via condition.
69. **Concern was also raised regarding the proposed aluminium trim. As detailed above it is proposed to change the edge finish treatment back to coping stones resulting in an additional 5cm in height which is considered a minimal change and would result in an acceptable scheme given its location within the conservation area.**
70. Taken all the above into account, it is considered that the proposal would not result in a significant negative impact on the visual amenity of the streetscene or in turn the significance and setting of the Conservation Area in which it is sited as the impact of the changes over and above that what was previously approved is considered minimal. As such, the impact of the development when further altered as proposed would not be considered significantly detrimental to the character and appearance of the Conservation Area which would be preserved; this is the minimum requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when dealing with development in a conservation area.

Other Issues

71. Concern was also raised with regards to the amount of amenity space which remains. In respect of terraced properties, it is common for limited space to remain if rear extensions are added to properties. However, the space which remains is not considered to be detrimental to the occupants of the dwelling and it is considered acceptable.
72. The fact that the proposal is retrospective does not constitute a valid reason for refusal. Unless it is causing unacceptable harm, unauthorised development is normally dealt with through the submission of a retrospective application to enable the relevant planning considerations to be assessed. This is in accordance with the Government's approach to planning enforcement, and still provides an opportunity for refusal of permission if circumstances warrant this.
73. Concern was also raised that an unacceptable precedent would be set should this application be approved. However, it is felt that with the changes proposed, this would not occur, and regardless of this, all applications are assessed on their own merits and individual circumstances.
74. Concern over workmanship of the extension is not a material planning consideration.
75. Other schemes/applications have been cited in objections however, each application is dealt with on its own merits.

CONCLUSION

76. The development including the changes proposed, which include the removal of the lantern, the reduction in overall wall height to 3.75m and the addition of a roof light, are considered acceptable in principle, being considered to be in keeping within the existing property and the area more generally. The development as proposed to be amended is not considered to have a significant detrimental impact on the surrounding residents or the character and appearance of the conservation area in which it is sited, in accordance with the requirements of local policies and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that development should preserve or enhance the Conservation Area. In this instance, it is considered that the proposal would preserve the character and appearance of the Conservation Area.

77. As such, it is considered that the proposed development would be in accordance with saved policies E6, E22, Q1 and Q9 of the City of Durham Local Plan and parts 1, 4 and 12 of the NPPF.

RECOMMENDATION

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

1. **Within 3 months of the date of the approval, the alteration works required as detailed on the amended plans drawing Revision 4 received 5 December 2016 shall be carried out in strict accordance with these plans and the accompanying specification details of the roof lights.**

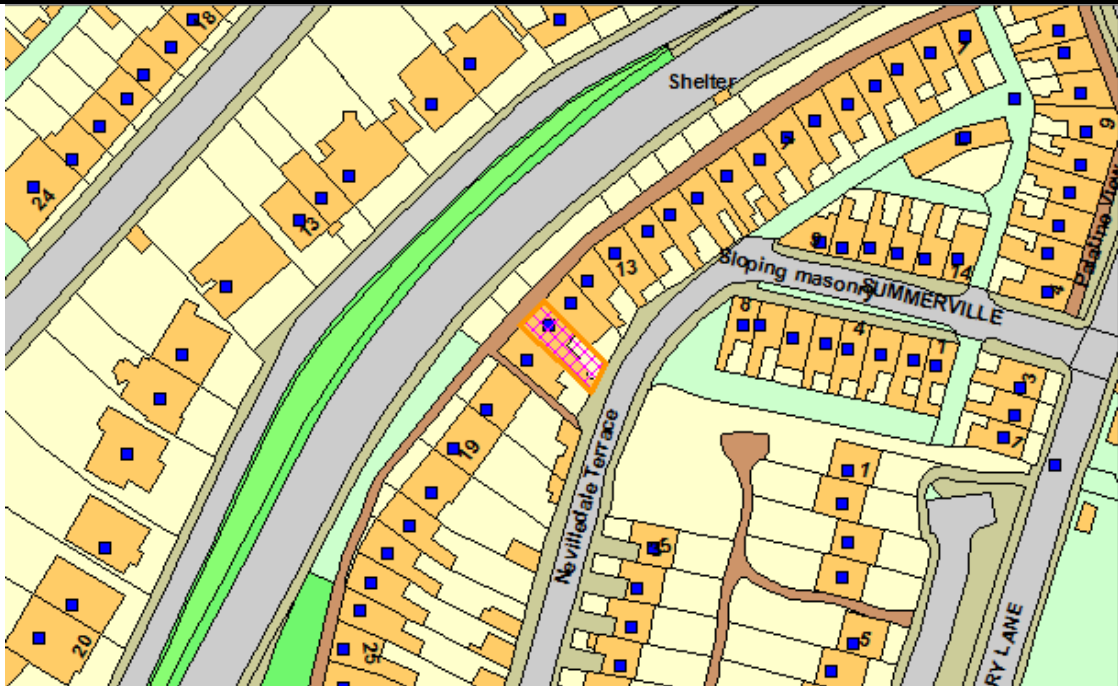
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies E6, E22, Q1 and Q9 of the City of Durham District Local Plan.


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
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



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of single-storey extension at rear of dwelling (retrospective application) at 16 Nevilledale Terrace, Durham, DH1 4QG</p> <p>Application Reference: DM/16/02695/FPA</p>				
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<p>Date January 2017</p>					

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03533/FPA
FULL APPLICATION DESCRIPTION:	Front canopy, two-storey side extension and single-storey rear extension (part retrospective).
NAME OF APPLICANT:	Mrs Victoria McKenna
ADDRESS:	7 Friars Row, Gilesgate, Durham, DH1 1HF
ELECTORAL DIVISION:	Neville's Cross
	Allan Fenwick
	Planning Officer
CASE OFFICER:	03000 261957
	allan.fenwick@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a two-storey semi-detached property situated at the head of a cul-de-sac on a residential estate in Gilesgate. Residential properties border the property on all sides. The front of the site is mainly open planned with a small wall enclosing part of the garden in front of the bay window.

The Proposal

2. This application seeks partially retrospective consent for the erection of a front canopy/porch, two-storey side extension and single-storey rear extension.
3. Consent was originally granted under a 2015 permission for a similar scheme, however, an application was received earlier this year to amend the canopy proposed to the front elevation. During the course of that application, it was found that the works that had been undertaken were not fully in accordance with the approved scheme. On this basis, the applicant was advised to withdraw the application for the canopy and submit a further application to seek to regularise all of the works. The amendments to the original proposals and the canopy are therefore included in this current application.
4. The changes include:
 - A larger canopy/porch to the front
 - A deeper bay window to the front and a change in window design
 - The dormer window to the front elevation is smaller and roof light is omitted.
 - The dormer windows to the rear are smaller and four roof lights have been replaced with three in different locations.
 - Two windows to the rear elevation have been replaced with a window and patio doors

- The roof lights to the single-storey projection to the rear have been removed and the window and door fenestrations have been altered
 - The window/door design and positions have been altered on the south elevation.
 - The layout of the extension has been altered to allow a splay in the side elevation to continue as opposed to being stepped.
5. The application has been requested to be heard at committee by Councillor Bill Moir due to the scale and appearance and the possible effect on the local amenity of any additional building.

PLANNING HISTORY

6. DM/16/01998/FPA – Revision to front canopy. Withdrawn 13/9/2016.
7. DM/16/00414/FPA - Erection of detached garage to rear. Approved 26/4/2016.
8. DM/15/02917/FPA - Front Canopy, Two-storey side extension and single-storey rear extension. Approved 18/11/2015.

PLANNING POLICY

NATIONAL POLICY:

9. 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 dependent.
10. 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'.
11. The following elements are considered relevant to this proposal;
12. 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.
13. 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.

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

14. 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.
15. Policy Q9 (Alterations and Extensions to Residential Properties) state that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.
16. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
17. Policy T10 (Parking – General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

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. Highways – No highway objection is raised.

INTERNAL CONSULTEE RESPONSES:

20. None

PUBLIC RESPONSES:

21. The application has been advertised by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, no letters of representation have been received.

APPLICANTS/AGENTS STATEMENT:

22. With regards to the planning application for the above project which is part retrospective, the application submitted on 29th October 2016 is a revision of the proposals previously submitted and approved on 18.11.2015 for the erection of a front porch, alterations to the ground floor bay window, side & rear extension including dormer windows and detached garage (DM/15/02917/FPA).
23. The building work is now partially complete. The building is not built according to the approved plans; however the variations are minor in nature and should not therefore have a major impact on neighbouring properties or the street scene in general.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. 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 impact on the residential amenity of the neighbouring properties and the impact on the visual amenity of the area as well as any highway safety issues.

Impact on residential amenity

25. The proposal is considered to have an acceptable impact upon the amenities of the adjoining neighbouring property 8, Friars Row situated to the north of the application site given the majority of the proposal being located to the other side elevation. The bay window to the front elevation which is the closest element to the common boundary has a limited projection, therefore, is not considered to impact negatively on this neighbour. The porch element and the part of the extension located beyond the rear elevation of the dwelling are sited some 4.5m and 7.5m respectively from the common boundary, therefore, the proposal is not considered to cause any significant loss of light or overshadowing. Overlooking issues are also not considered to occur given these distances and the existing boundary treatment in place.
26. Similarly, it is considered the proposals will have an acceptable impact upon the amenities of the adjoining neighbouring property 6, Friars Row situated to the south of the application site given the orientation of the extension and the neighbour being located at right angles on the return frontage as well as an existing detached building being located between the proposal and the neighbour.
27. The application is therefore considered an appropriate addition in relation to policy Q9 of the Local Plan with regards to impact upon amenity of adjoining neighbours.

Impact on the visual amenity of the area

28. Generally, the alterations to the property which include a front canopy/porch, ground floor front bay window, side and rear extensions and dormer window may all be accommodated where there is no loss of direct daylight, outlook, privacy, space and sunlight to neighbouring properties bounding the application site.
29. The City of Durham Local Plan: Quality of Development: Policy Q9: Alterations and Extensions suggest all residential extensions and alterations shall be sympathetic and subordinate to the host dwelling.

30. The front canopy/porch and ground floor front bay window were both previously approved under the 2015 consent and are both considered to relate well to the host dwelling. They have both been extended in size slightly however the canopy/porch has been designed in such a way so as to incorporate a pitched roof and the bay window will use glazing similar to the host dwelling. The front garden is of an adequate depth whereby such features as are hereby proposed will have an acceptable impact upon the visual amenity of the immediate street scene and the wider setting. The material used for the framing is timber which is currently untreated and it is felt that this should be stained to be darker in appearance allowing it to blend in more with the surroundings. This will be dealt with via a condition of any permission to be granted.
31. The principle of the side and rear extensions with dormer windows again have previously been agreed under the 2015 consent and the extension has been designed in such a way as to be set back from the established building line of the original host dwelling by approximately 2m and line through with the existing ridgeline of the original pitched roof. This will ensure the side extension will have a reduced dominance in relation to the host dwelling. In respect of the change to the layout, a stepped element was originally proposed before a splayed building line however, the stepped element has been removed and the splayed element extended. This is considered to be of an appropriate scale and style in relation to the host property and is not considered to be dominant in the streetscene given it is mainly hidden from public views given its corner location and the position of the extension.
32. In respect of the changes to the window fenestrations in terms of the numbers and design/styles, these are considered minor alterations which are in keeping with the host property and are not considered to have a significant detrimental impact on the host property or the streetscene.
33. The proposed dormer windows are of a similar design and scale to the existing dormer windows and given this, it is not considered that these would result in a significant detrimental impact on the host property or the streetscene.
34. To summarise, it is considered the proposals will incorporate design features of the original host dwelling and will respect the character and appearance of the host dwelling by reason of its scale, form, design and use of materials and in turn the streetscene in which the property is located.
35. As a result, it is considered the proposals are in keeping with the appearance, character, design and scale of the existing property and will not have a detrimental impact upon the amenities of the surrounding area or the wider setting. It is therefore considered the proposed development is acceptable and accords with saved Policies Q1, Q2 and Q9 of the City of Durham Local Plan.

Highway Safety

36. Policy T10 of the current Local Plan requires new development to comply with the parking standards of Durham County Council in its capacity as Highway Authority.
37. The existing detached garage sited within the side garden of the application site was approved under application reference DM/16/00414/FPA and has been constructed in accordance with those approved plans. Due to this, the proposed development will include a block paved driveway capable of comfortably accommodating 3no parked cars within the curtilage of the application site.

38. No objection has been raised from the highways team in respect of this application as suitable off-street parking is considered to remain as part of the proposal. The proposal, therefore, is considered acceptable in terms of policy T1 and T10 of the City of Durham Local Plan.

CONCLUSION

39. The changes to the previously approved scheme are relatively minor and are considered acceptable in principle, being considered to be in keeping within the existing property and the streetscene in which it is sited. There are not considered to be any significant adverse impacts on the amenities of adjacent residents. In addition to this, highway safety is not considered to be compromised.

40. As such, it is considered that the proposed development would be in accordance with saved policies Q1, Q2, Q9, T1 and T10 of the City of Durham Local Plan and parts 4 and 7 of the NPPF.

RECOMMENDATION

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

1. The development hereby approved shall be carried out in strict accordance with the following approved documents.

Drawing Number 01a Existing Floor Plans received 7 November 2016
Drawing Number 01b Existing Elevations received 7 November 2016
Drawing Number 02a Proposed Floor Plans received 7 November 2016
Drawing Number 02b Proposed Elevations received 7 November 2016
Drawing Number 03 Site Location received 7 November 2016
Drawing Number 04 Roof Plan received 7 November 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies Q1, Q2, Q9, T1 and T10 of the City of Durham Local Plan.

2. Notwithstanding the details shown on the submitted application and prior to any further works being carried out, details of the render (including colour and texture) as well as details of a stain to be applied to the front porch should be submitted to and approved in writing by the local authority. The remainder of the development shall then be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy Q9 of the City of Durham 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

City of Durham Local Plan 2004

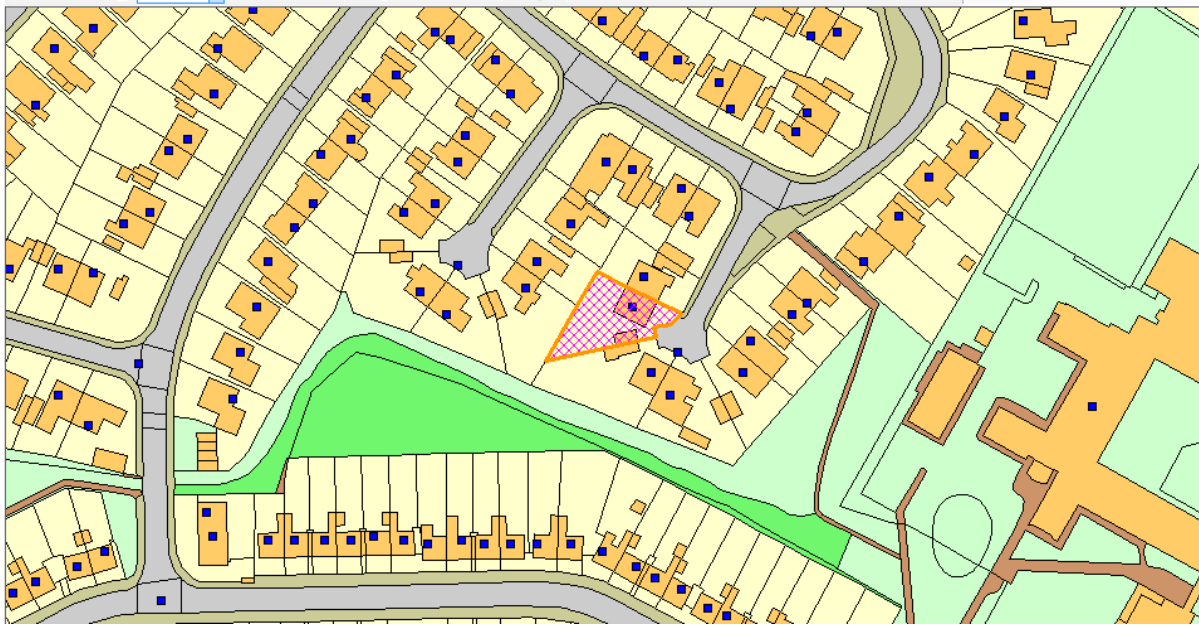
National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance



Planning Services

Front Canopy, Two-Storey Side Extension and Single-Storey Rear Extension (Part Retrospective) at 7 Friars Row, Gilesgate, Durham, DH1 1HF
 Application Reference: DM/16/03533/FPA

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Date
January 2017

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01896/FPA
FULL APPLICATION DESCRIPTION:	Erection of three terraced 6 bedroom properties for either occupation as houses in multiple occupation use (use class C4) or as family houses (use class C3) with associated alterations (amended description)
NAME OF APPLICANT:	Mr Paul Copeland
ADDRESS:	24 The Avenue, Durham, DH1 4ED
ELECTORAL DIVISION:	Neville's Cross Susan Hyde
CASE OFFICER:	Planning Officer 03000 263961

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a parcel of land extending to 473 square metres that sits between 24 and 25 The Avenue, within the Durham City Centre Conservation Area. The land is garden space associated with number 24 which has remained undeveloped following the sporadic construction of the surrounding terraces that began in the 1800's. Site levels slope downwards from south east to north west with the dwellings on this part of The Avenue having an additional storey on the rear elevation due to the change in levels. Terraced properties align the west side of the street while the opposite side of the street to the east has larger detached and terraced dwellings set within gardens.
2. In the wider perspective, further terraced properties of varying scale and mass sit to the north, north east and south west, while larger properties sit in an elevated position to the south on the opposite side of the street. A mature tree would be maintained to the northwest corner.

The Proposal

3. This application proposes the construction of three 6 bedroom terraced properties in between the existing properties numbers 24 and 25 with the terraced properties being physically attached to numbers 24 and 25. The proposed properties are two storeys on the front elevations with a bay ground floor window and a dormer window in the roof space. On the rear elevation they are three storeys with a dormer window in the roof.

4. The proposal is for each of the dwellings to be occupied as either a C4 dwelling in multiple occupation or a C3 family dwelling. Internally each of the properties provides 6 bedrooms and 8 bathrooms with combined living and dining rooms at basement level. The internal floor plan reflects a C4 house in multiple occupation rather than a C3 family house due to the room arrangements. The application is a resubmission of two earlier similar planning permissions for the same development in 2009 and 2012. Both of these earlier consents have expired.
5. The application is before Members at the request of Councillor Nigel Martin on the grounds that this is a substantial site in the local area that has remained undeveloped for some time. There is concern about whether this site should be occupied as an HMO as this area requires more family housing. In addition there are concerns about parking and access to the rear of the site near May Street.

PLANNING HISTORY

4/09/00756/FPA Erection of 3 no. two storey terraced dwellings with basement and attic accommodation. Approved 16th December 2009

4/12/00936/FPA Proposed extension of time limit for implementation of 09/00756 for three terraced dwellings. Approved 19th December 2012. This consent included a condition that limited the occupation of the buildings to C3 family dwellings only.

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 4 Promoting Sustainable Transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 10 NPPF Part 6 Delivering a wide choice of high quality homes. To boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

- 11 NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 12 NPPF Part 11 Conserving and Enhancing the natural Environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 13 NPPF Part 12 Conserving and Enhancing the Historic Environment. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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

- 14 Policy E6 Durham City Centre Conservation Area sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
- 15 Policy E14 Existing Trees and Hedgerows sets out that a full tree survey will need to be carried out to accompany planning applications when development may affect trees inside or outside the application site.
- 16 Policy E14 existing Trees and Hedgerows requires development proposals to retain important groups of trees.
- 17 Policy E22 Conservation Areas sets out that the Local Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing and architectural features.
- 18 Policy H2 New Housing in Durham City requires that new housing is in keeping with the traditional character and setting of the city
- 19 Policy H9 Multiple Occupation/Student Households seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area, the amenity of nearby residents and the concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock.
- 20 Policy H16 (Residential Institutions and Student Halls of Residence) relates to the appropriateness or otherwise of such developments.
- 21 Policy H13 The Character of Residential Areas sets out that planning permission will not be granted for new development or changes of use that will have a significant adverse effect on the character and appearance of residential areas, or the amenities of residents within them.
- 22 Policy H14 Improving and Creating More Attractive Residential Areas sets out that the Council will encourage developments and initiatives which secure environmental improvements within existing housing areas.

- 23 Policy T1 General Transport Policy sets out that the council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
- 24 Policy T10 Parking sets out that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development
- 25 Policy Q1 and Q2 Designing for People and Accessibility sets out that the layout and design of all new development should take into account the requirements of all users.
- 26 Policy Q8 Layout and Design – Residential Properties sets out criteria for new build properties

Interim Policy on Student Accommodation

27 Part A HMO's – In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bedspaces, and changes of use from any use to:

- A Class C4 (House in Multiple Occupation), where planning permission is required or;
- A House in Multiple Occupation in a sui generis use (more than six people sharing)

Will not be permitted if more than 10% of the total numbers of properties within 100 metres of the application site are already in use as HMO's or student accommodation exempt from council tax charges.

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 was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP and a new plan is being prepared. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29 The Highway Authority – Raises no objection.

INTERNAL CONSULTEE RESPONSES:

30 Design and Conservation – No objection in principle, however has suggested conditions to secure the quality of the scheme.

- 31 Landscape Section (Trees) – Raise no objection to the proposed development and note six trees would need to be removed to facilitate this proposed development and tree root protection introduced to protect the mature tree adjacent to the site.
- 32 Ecology – after a bat risk assessment was carried out, no objections were raised.
- 33 Noise Action Team – no objections subject to conditions to minimise the environmental impacts.
- 34 Environmental Health – requires a scheme to deal with contamination.
- 35 Spatial policy – the proposal is in an area with a 44% concentration of students which is above the 10% that would normally be the threshold at which HIMO development would not be permitted.
- 36 Drainage and Coastal Protection – no objection in principle, however an adequate infiltration should be installed to discharge rainwater where practical and verified with building control.

PUBLIC RESPONSES:

- 37 There were 10 letters of objection received which included one from the Crossgate Community Partnership (CCP) and Neville's Cross Community Association.

The main concerns raised are:

- The proposal is contrary to the Interim Policy on Student Accommodation, the NPPF and saved policies in the City of Durham Local Plan
- The proposal includes two car parking spaces for 18 students and there is no indication of how parking would be managed with more cars for the property
- The adjacent house 24 The Avenue is a large house in multiple occupation that is the focus of noise, people gathering on the street and anti social behaviour. The police are called out regularly to 24 The Avenue. To have an additional 18 students on the application site will create even more problems.
- The internal layout of the property is only suitable for a student house in multiple occupation.
- The tree survey is from 2009 and should be considered out of date – (this tree report has since been updated).
- The lane at the rear of the proposed site is narrow which could cause problems when materials are delivered in terms of blocking access for neighbours and being intrusive
- The Crossgate Community Partnership would welcome a similar proposal for a C3 development if there are suitable construction conditions.

APPLICANTS STATEMENT:

The applicant has been provided with the opportunity to submit an applicant's statement but no statement has been received.

PLANNING CONSIDERATIONS AND ASSESSMENT

- 38 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, the character and appearance of the conservation area, residential amenity, highways and environmental health.

Principle of Development

- 39 The site lies within a residential area within half a mile of Durham City Centre and as such has excellent access to a wide range of commercial and recreational facilities and the bus and train stations. In addition primary and secondary schools are located within half a mile of the site. As such the location is considered a sustainable location for additional housing, and would thus accord with one of the main aims of the National Planning Policy Framework.
40. The second issue on the principle of development relates to the site being a garden area. The NPPF excludes gardens from the definition of Previously Developed Land (PDL). Therefore, the site is classed as being greenfield and saved policy H2 from the City of Durham Local Plan states that new housing development will only be permitted on windfall sites comprising of previously developed land. Policy H2 is only partially consistent with the NPPF as it is consistent with paragraph 14 and 49 in supporting sustainable development and objectively assessed housing need. However the NPPF does provide the opportunity to support greenfield sites in sustainable locations. Paragraph 17 of the NPPF also states that 'planning should: encourage the effective use of land by reusing land that has been previously developed.' However, this greenfield/PDL issue is balanced with the fact that the site is also in a sustainable location where there is a 'presumption in favour of sustainable development.' (paragraph 14 of the NPPF). Recent appeal decisions have supported development within a sustainable location on greenfield land. As such no objection is raised to this issue.
41. The third issue on the principle of development relates to houses in multiple occupation being introduced into The Avenue. An Article 4 Direction came into force on 17th September 2016 withdrawing permitted development rights relating to changes of use from class C3 to class C4 in Durham City. Clearly the aim of this is to exercise control over further HMOs in the area covered by the Direction. Saved 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.
42. 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. Policy H16 supports new residential institutions and care homes where they relate well to shops, community facilities and public transport, there is a satisfactory standard of residential amenity, they do not detract from the amenities of existing residents, and with student halls of residence they would not result in a concentration of student accommodation that detracts from residential amenity.
43. In addition the Interim Policy on Student Accommodation does not support new properties in C4 use 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 44 %. Based on the criteria detailed in Part A of the Interim policy and given the percentage of student properties within 100 metres of the application site is 44%, this suggests that the C4 house in multiple occupation element of the application should be refused in order to promote sustainable, inclusive and mixed communities, maintain an appropriate housing mix and to protect the residential amenity of neighbouring properties.

44. In addition to the area being above the 10% specified in the Interim Policy the objections from local residents have referred to existing problems with anti social behaviour from the property in the applicants ownership at 24 The Avenue that is detracting from the residential amenity of the area. 24 The Avenue was granted planning approval in 2007 for the formation of four flats providing a total of 22 bedrooms and a further 3 bedrooms in 2009. 26 The Avenue was granted approval for use as a 9 bedroom HMO in 2009. The Interim Student Policy refers to the impact of having a high concentration of HMO's in one area exacerbating problems. The objections received to the application claim that the existing concentration of students in this one particular area of The Avenue is detrimental to residential amenity due to noise and disturbance and anti social behaviour. Officers consider that additional housing in multiple occupation immediately adjacent to the existing HMO would detrimentally affect residential amenity by adding an additional 18 students to the existing 34 bed spaces adjacent to the site in a location where there are existing anti social issues. This application provides limited communal facilities and outdoor space for the HMO and the adjacent properties are similar, leading to the potential for greater on-street disturbance.
45. Paragraph 50 of the NPPF seeks to 'deliver a wide choice of quality homes ...and create sustainable, inclusive and mixed communities.' The Interim Policy on Student Accommodation, Policy H13, Policy H9 and H16 are all considered to be consistent with this aim. As such the C4 occupation of the house as a house in multiple occupation is not supported in planning terms. Although the application is submitted for either a C3 family house or a C4 house in multiple occupation, the internal floor layout of the properties, due to the room arrangements proposed, clearly reflects a C4 house in multiple occupation use only with the layout including 8 bathrooms and 6 / 7 bedrooms. The communal living space is located in the basement rather than on street level with The Avenue as other C3 dwellings are internally arranged in the immediate vicinity. In addition the communal living space is limited in size as well as outlook. Cumulatively all these factors lead Officers to consider that the proposed dwellings only reflect a C4 house in multiple occupation.
46. With regard to the application being also for a C3 family dwelling Policy Q8 of the Local Plan requires properties to provide adequate amenity and privacy for each dwelling. In this case the internal layout of the property provides the only communal space within the basement. The location of the communal facilities in the basement contrasts with the existing C3 dwellings in The Avenue that tend to have the lounge on the ground floor to facilitate access directly from the principal street The Avenue and to take advantage of the views to the rear of the house. In addition the communal facilities of the combined kitchen, living and dining room are so limited on the submitted floor plan indicating that it would be constrained for four people to sit together to eat in a house with six designated bedrooms and a seventh room labelled as a 'study' but benefitting from en-suite facilities. The limited internal space provides no flexibility for a large family to sit together. The lounge is similarly limited with insufficient space shown to seat over 5 people. The internal layout also allows inadequate space for the normal paraphernalia to be provided within a C3 living / communal space for book shelves, children's toys, instruments etc. In addition it is noted that the rooms benefitting from the best light, outlook, and views are bedrooms. This would not be the normal arrangement for a family dwelling. Therefore the internal layouts are considered to conflict with Policy Q8 as the floor plans do not provide adequate amenity space for communal living due to the substandard communal living facilities for future residential occupiers.

47. The applicant was given the opportunity to provide amended floor plans for a C3 family dwelling that could potentially be supported in principle but he has chosen not to submit alternative layouts and requested the application is determined on the basis of the submitted plans. Objectors have noted that there is a latent demand for family housing in this part of Durham City and C3 residential dwellings that are for sale at a realistic price are sought after. As the proportion of HMO's in this area is 44% the area currently has a predominance of family housing – and this is the type of area that the Interim Policy on Student accommodation is trying to maintain and protect for family housing. Objectors including the Crossgate Community Partnership would support the introduction of C3 family housing on this site.
48. As such the application is not considered acceptable in principle as the proposed occupation of the dwellings for C4 houses in multiple occupation would lead to a concentration of student accommodation in The Avenue that would harm the character of the area and amenities of other residents; and would fail to promote the creation of sustainable, inclusive and mixed communities. It would also fail to maintain an appropriate housing mix. The proposal would therefore be contrary to policies H9 and H13 of the City of Durham Local Plan, paragraph 50 of the NPPF and Part A of the Interim Policy on Student Accommodation.
49. Although a C3 use could be acceptable in principle the application that has been submitted has internal layouts that Officers consider provide inadequate internal communal facilities commensurate with the six bedrooms proposed. For comparison the combined communal living space provided on this application is 32 square metres and a current housing association scheme for low cost housing has an internal communal floorspace of 43.8 metres for a 2 bedroom house.

Character and Appearance of the Conservation Area

50. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials.
51. The existing garden site at The Avenue does not appear to represent a garden in its traditional sense. It has direct frontage to The Avenue, has not been tended for many years and represents a relatively stark break in the terrace which offers little visual contribution to the character of The Avenue or the wider Conservation Area. As such Officers raise no objection in principle to the loss of this green space in the Conservation Area.
52. The design and position of the proposed development is considered to be acceptable in principle, as the terraced block would be aligned with the front and rear building lines of the adjacent properties. In addition the roofs of the properties are stepped which reflects the rise in the height of the street.
53. The proposal incorporates appropriate detailing such as the four panelled timber front doors, ground floor bay windows, chimneys complementing the existing pattern and dormer windows that reflect the style and appearance of other dormer windows in the street.

54. It is noted that the materials proposed are not adequately specified so the materials to be used for the roof, walls, fenestration and rainwater goods would need to be provided and agreed by condition in the event of planning permission being granted
55. The proposal would require six trees to be removed, including 1 Swedish whitebeam, 2 Holly and 3 Ash, as well as two groups of low value scrub including Bramble, nettle, ivy, holly, ash, bramble cotoneaster and elder to allow the development to go ahead. The County Tree Officer has considered the trees on site and considers that they were self-seeded and of little value and has raised no objection to their removal. A mature tree lies to the south west of the site and the root protection area of the tree would need to be protected by condition in the event of planning permission being granted.
56. Officers consider that in terms of design and appearance, the application would preserve the character of the conservation area, while reflecting an appropriate standard of design in accordance with the saved policies of E6 and E22 of the City of Durham Local Plan. Trees would be maintained on the site in accordance with policy E14.

Residential Amenity

57. The application site follows the existing pattern of development within the street so the windows in the front and rear elevations follow the conventional layout. There is a distance of over 21 metres to the front elevation and over 21 metres to the rear elevation of the dwellings on Hawthorne Terrace. To the rear of 24 Hawthorne Terrace there is a garage with a room above that looks onto the application site and two similar garages with a room over that looks onto the neighbouring site at 24 The Avenue. This is at a distance of 15 metres. The room above the garage is for ancillary accommodation to the dwelling and is below the 21 metres required in the policy. However this is an ancillary residential space and is not considered to detrimentally impact on the residential amenity of the proposed dwelling due to the difference in height and the size and location of the window.
58. On the side elevation of 24 The Avenue are three windows that are proposed to be blocked up. A pedestrian access is retained into the side elevation of 24. To compensate for the loss of these windows a light well is proposed into the basement level facing The Avenue. This is a traditional feature on the terraced dwelling on the Avenue and the small external boundary wall is retained. The light well will illuminate bedroom accommodation within the flat at basement level.
59. The three proposed terraced dwellings are built with 2.5 metre deep extensions that extend the full height of the property. Due to the difference in the depth of the properties this appears as a 3 metre deep extension adjacent to the rear elevation of no. 25. This is considered to be an acceptable depth with respect to the impact on the residential amenity of the neighbouring windows. Due to the orientation of the property no material overshadowing would occur from the extension. A further external store is proposed on the ground floor.
60. Notwithstanding the positive external design aspects of the proposals, however, 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. As explained earlier in this report, the two adjacent properties to the application site provide 35 bedrooms as houses in multiple occupation.

Based on the submitted C4 layouts, this proposal would add a further 18 bedrooms to this number providing 53 bedrooms in a concentrated area, as well as adding to the overall number of students in the street. This is likely to lead to an increase in the complaints that residents are currently raising from the existing student occupation from noise, people gathering in the street (particularly as there is little communal indoor or outdoor space) and anti-social behaviour. This concentration of HMO properties is therefore considered to conflict with Policies H9 and H13 and the Interim Policy on Student Accommodation as it would detract from the amenities of neighbouring properties.

61. Residents have provided evidence of existing noise and anti-social behaviour resulting in disturbance to residents in the houses close to the application site, particularly in the late evening and early hours when groups of students are going to bars, parties or other social activities. The risk of disturbance from adding a further 18 bed spaces adjacent to existing houses in multiple occupation that residents have voiced complaints about is likely to increase the level of noise disturbance to local residents. It is noted that controlling this kind of noise and disturbance is challenging because of its moving nature, identifying who is responsible and where they live. Indeed objectors have commented that the police are called out regularly to the existing anti-social behaviour that occurs on The Avenue from the houses in multiple occupation. As such it is considered that adding a further 3 HMO's would add to the concentration of HMO properties on The Avenue and add to the existing levels of noise, anti-social behaviour and disturbance to residents which would conflict with Policy H13 and H9 of the City of Durham Local Plan and Part A of the Interim Policy on Student Accommodation.

Highways

62. The proposed residential development is in a highly accessible location close to public transport interchanges and city centre facilities. It is noted limited parking is to be provided off street with the submitted scheme. The site lies in the Council's Controlled Parking Zone and the County Highway Officer has advised that the operational policy states no parking permits will be issued to residents of new development in the controlled parking zone. The County Highway Officer raises no objection to the proposal from a highways perspective.

Environmental Health

63. The County Environmental Health Officer has raised no objection to the application but has advised a condition to deal with contamination needs to be submitted to and approved by the Local Planning Authority before development can commence.

Comments on neighbour's objections

64. The objections raised by local residents are addressed in the main body of this report except for the impact of the development on the rear lane.
65. Residents have garages and rear access onto the lane to the rear of Hawthorn Street and The Avenue and although it is narrow it is well used. If consent was granted on the application a condition should be imposed requesting a construction management plan to be submitted to the Local Planning Authority. The purpose of this would be to ensure the applicant considers how best to organise construction activities so as to minimise disruption to the local area, including preventing the back lane from being obstructed. Notwithstanding any agreed details, however, blockage of the back lane would normally be a matter to be addressed outside of the planning process.

CONCLUSION

66. This application has been fully assessed and considered in relation to policies H13 and H9 of the City of Durham Local Plan, criteria detailed in the NPPF and the Council's Interim Policy on Student Accommodation. In reaching a recommendation on this application, comments submitted with the application have been fully considered along with comments received from consultees and local residents.
67. Although the application is submitted for either a C3 or a C4 use Officers consider that the internal floor layouts are substandard for a C3 family use. This is due principally to the communal living accommodation in the basement being substandard in location, size and layout to provide adequate facilities for six bedrooms which is contrary to Policy Q8 of the Local Plan
68. Given the submitted layouts and notwithstanding the description of the application, the Local Planning Authority is left with no other option than to assume the intention of the applicant is to implement a C4 use. In assessing the proposals on this basis, it is considered that the development would lead to a concentration of student accommodation in the vicinity of The Avenue such that it would harm the character of the area and amenities of other residents. In addition it would fail to promote the creation of sustainable, inclusive and mixed communities and also fail to maintain an appropriate housing mix. The proposal would therefore be contrary to policies H9 and H13 of the City of Durham Local Plan, paragraph 50 of the NPPF and Part A of the Interim Policy on Student Accommodation. Although a C3 use would be acceptable in principle, the submitted layouts do not provide satisfactory or acceptable arrangements for family occupation. The positive design comments and the suggestion of a number of conditions to control various aspects of the development do not override or mitigate the serious harm that would result from the implementation of the proposals.

RECOMMENDATION

That the application be refused for the following reasons:

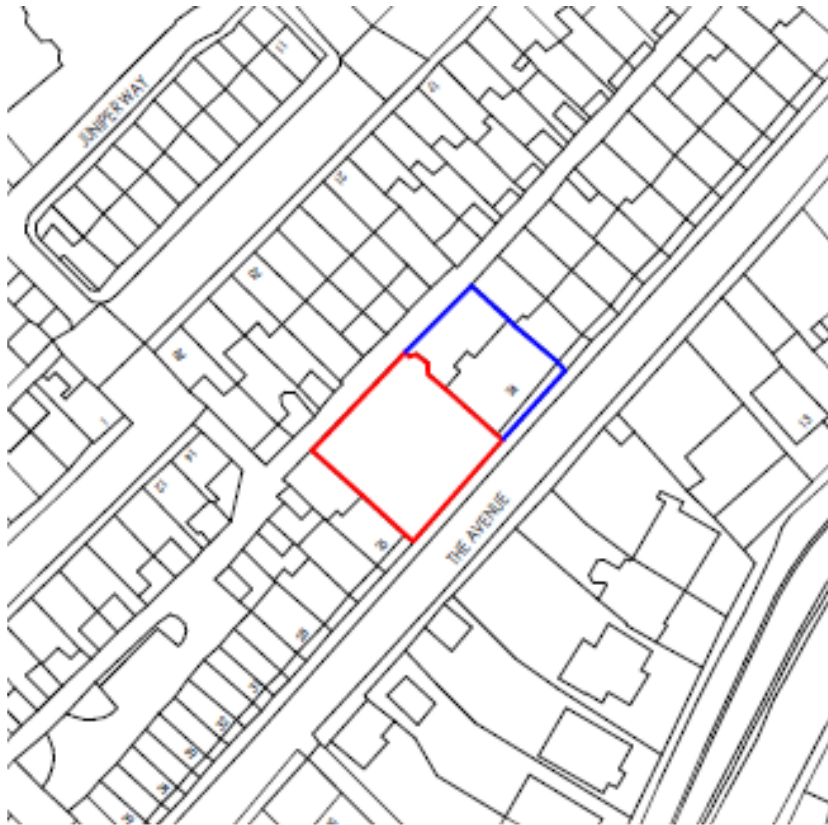
- 1. The proposed internal layout of the development is considered to be synonymous with a C4 House in Multiple Occupation Use. The introduction of additional houses in multiple occupation would lead to a concentration of student accommodation in the vicinity of The Avenue that would harm the character of the area, have adverse impacts on the amenities of the remaining residential occupiers, and would fail to promote the creation of sustainable, inclusive and mixed communities. It would also fail to maintain an appropriate housing mix. This is contrary to policies H9 and H13 of the City of Durham Local Plan, paragraph 50 of the NPPF and Part A of the Interim Policy on Student Accommodation.**
- 2. The proposed internal layouts of the properties provide unsatisfactory and unacceptable living arrangements for C3 family occupation due to the limited floorspace of the communal facilities to serve the number of bedrooms proposed. This is considered to provide substandard levels of residential amenity, contrary to Policy Q8 of the City of Durham Local Plan 2004.**

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. Unfortunately a positive outcome has not been possible to negotiate on this application.

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

Erection of three terraced 6 bedroom properties for either occupation as houses in multiple occupation use (use class C4) or as family houses (use class C3) with associated alterations (Amended description) on 24 The Avenue (Amended description)

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Date
November 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03084/FPA
FULL APPLICATION DESCRIPTION:	Subdivision and refurbishment of the former NESS factory to create units for B1, B2 and B8 uses.
NAME OF APPLICANT:	Knight Frank
ADDRESS:	Ness Furniture Ltd, Thinford, Durham
ELECTORAL DIVISION:	Coxhoe
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 lies within the settlement boundary of Sunderland Bridge and Croxdale as defined in the City of Durham Local Plan and comprises a large factory which has developed over a number of years until its recent closure. This is clear from the mixture of building styles and materials within the site. There are several buildings within the site, which is located just south of the junction of the B6288 and the A167 at Croxdale. The site lies in close proximity to four dwellings at Valley View.

The Proposal

2. This application proposes the sub-division and refurbishment of the former NESS furniture factory. The works would include demolition of redundant space to create service yards and the recladding of the existing building. In addition to these works it is proposed to introduce B1 (Offices) and B8 (Storage and Distribution) uses to the existing B2 (General Industrial) use on the site.
3. This application is being referred to Committee as it exceeds the floorspace threshold in the Councils scheme of delegation.

PLANNING HISTORY

4. There have been various applications approved over a number of years and the site has developed incrementally over a number of years through a series of extensions and new buildings.

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 dependent.
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. 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;

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 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.
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 10 - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.*

LOCAL PLAN POLICY:

12. 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.
13. 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.

14. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.
15. Policy Q3 – Sets out the requirements for new parking areas.
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.

RELEVANT EMERGING POLICY:

17. 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:

18. None.

INTERNAL CONSULTEE RESPONSES:

19. Environmental Health officers have no objections subject to conditions relating to noise mitigation measures, details of lighting and a restriction on operating hours.
20. Highways officers have no objection on the basis that the B1 use class (offices) is restricted to 550 m² in order to ensure on-site parking requirements are sufficient.

PUBLIC RESPONSES:

21. No responses have been received from nearby residents.
22. Northumbrian Water have no comments.

APPLICANTS STATEMENT:

23. Our clients New Equipment Holdings have owned the Croxdale site since 1945. My understanding is that it was essentially a base for the Ness Furniture manufacturing company which belonged to them until a few years ago when they sold the business assets (but not the property which the new owners leased from NEH). The site has become much more mixed use in recent years and is now home to Citroen, Subaru and Mitsubishi main dealerships along with a Croxdale Fast Fit centre all of which are ultimately owned by NEH.
24. In January 2015 the Ness Furniture business was placed in receivership and although it traded on for a number of months after that, by July 2015 it had ceased trading resulting in around 6,400 m² of vacant space of varying ages and conditions, including a small office block to the north of the plot which is partly used by NEH.
25. In November 2015 Knight Frank were asked by NEH to provide advice on the marketing of the vacant space and following our review of the property we concluded that because of its layout and the way the site had evolved, that it wouldn't re-let as a whole to a single occupier but that it will be much more attractive to the market as a series of smaller self-contained units. We attracted interest in Unit 6 at an early stage from Jewson who have won a contract to exclusively provide building supplies to County Durham Housing and that confirmed our belief in the attractiveness of the site to businesses seeking smaller modernised industrial/warehouse units.
26. Following further discussions and surveys a plan was drawn up to undertake a comprehensive sub-division and refurbishment of the buildings, integrating Jewson's requirements and allowing for demolitions of the older obsolete buildings to both improve the circulation and parking within the site and its appearance.
27. We are confident that if these proposals are approved by the Council that this can become an attractive thriving estate which will add further employment opportunities in the area. The owners are committed to a significant financial outlay to bring about the success of the site and this must be to the advantage of the local community.
28. It is also worth pointing out that from 1945 -2015 there was a major factory running on this site, containing very noisy, heavy industrial machinery throughout, including metalworking and wood working/machining shops together with a paint plant. The current proposals are likely to attract a much more mixed range of 'B' uses of a less industrial nature and better suited to the location of the site. I hope therefore that the Council will see this as a positive more in the long term interests of the county.

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

29. 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, the scale, layout and design of the development and residential amenity and highways issues.

Principle of the development

30. Although this application site is not allocated as an industrial site in the City of Durham Local Plan, the site has been used for use class B2 (general industrial) with some B1 (offices) for over 60 years. It is therefore considered that the site benefits from an established B2 use. This application proposes to refurbish the former NESS furniture manufacturing site and develop it into smaller modernised industrial/warehouse units which would be used for B1 (offices), B2 (general industrial) and B8 (storage and distribution). Although the site is not allocated for an industrial use in the Local Plan it is considered that, as a result of the very lengthy period of operation, the site benefits from an established B2 general industrial use where the uses mentioned above would be commonplace. It is also of note that B1 and B8 uses are generally to be regarded as of lower adverse planning impact than B2 and therefore the changes of use proposed represent an improvement in planning terms as compared to the established use. Therefore there are no objections raised with regard to the principle of development.

Scale, layout and design of the development and residential amenity

31. 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."
32. The existing estate offers a range of industrial workshop premises together with a two storey office block. The units are arranged in such a way as that they can be leased in combinations or alternatively sub divided to create smaller unit sizes.
33. The original buildings on the site are of steel framed construction with brickwork walls and steel sheeted roof coverings. Internally they provide concrete floors throughout with an internal clear height of approximately 3.9 metres. To the rear of the site are three more modern interconnecting workshop buildings which are of steel portal framed construction with brickwork and insulated profile steel cladding to the external walls and double pitched roofs which are also of insulated profile steel sheet construction.
34. Internally the workshops have reinforced concrete, powder floated floors throughout and an internal clear height of approximately 4 metres. Each unit has vehicular access by way of either a roller shutter or an insulated sectional up and over door measuring 4.3 metres wide by 4 metres high. Externally, there are extensive concrete hard standing areas and parking space and Unit 6 has its own fenced compound of 1,480m² (0.37 acre).
35. To the front of the site is a two storey office block which provides an attractive entrance/reception area together with a series of private and general offices along with ladies and gents WC facilities.
36. The existing site contains an internal floor area of just over 7000 square metres, it is proposed to partly demolish some of the buildings on site and reduce this floor area by around 1500 square metres, leaving around 5500 of floorspace which would create 7 separate units. It is also proposed to re-clad and refurbish the existing buildings and utilise the redundant external space to create service yards and parking.

37. Overall, the newly refurbished development in terms of scale, design and layout is considered to be appropriate for this particular location. It is considered that the refurbishment would be of a high standard which would improve the character and appearance of the area and therefore the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.
38. In terms of the impact on residential amenity there are four properties adjacent to the site on Valley View to the west which is approximately 30 metres away. Until recently a manufacturing operation was carried out on this site, containing noisy, heavy industrial machinery throughout, including metalworking and wood working/machining shops together with a paint plant. It is considered that the proposals have the potential to improve the current situation which allows for B2 use (General Industry) across the whole site as the current proposals are likely to attract a much more mixed range of 'B' uses of a less industrial nature and better suited to the location of the site.
39. Environmental Health officers have confirmed that as the site currently has an established B2 use, there is potential for significant noise and other environmental impacts arising from the existing established use. Given that the current proposal is for a mix of B1, B8 and B2 uses, it is not considered that the proposal is likely to exacerbate the existing impacts and in fact is likely to reduce them. It is suggested however, that considering the proximity of the site to nearby residential properties, conditions should be attached that require details of lighting to be submitted, and that any commercial activities, including the operation of plant and machinery is limited to suitable hours.

Highways Issues

40. Highways officers have considered the proposals and have confirmed that the established access to the site is acceptable. There was some initial concern regarding the floor space of the B1 use class (offices) being unrestricted as this could potentially generate the need for more parking provision on the site. However, the applicants have confirmed that they are prepared to accept a condition which would restrict the floorspace of the B1 use class to 550 square metres and therefore the proposals for 86 car parking spaces are acceptable to highways officers.
41. 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.

CONCLUSION

42. Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposed development would enhance the character and appearance of the area and would present new opportunities for continued employment on the site. The uses being proposed are also likely to reduce the impact on residential amenity especially in respect of the nearest properties at Valley View and Fowler Terrace which results from the completely unrestricted established B2 use of the site in connection with the previous furniture manufacturing business.
43. On the basis of the above, officers recommend that the application be approved.

RECOMMENDATION

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

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;

3725A-02	FLOOR PLANS
3725A-03	FLOOR PLANS
3725A-04	ELEVATIONS
3725A-05	ELEVATIONS
3725A-06	PROPOSED SITE LAYOUT
3725A-07	PROPOSED UNIT SEPERATION
3725A-08	PROPOSED ELEVATIONS
3725A-09	PROPOSED ELEVATIONS
3725A-10	ACCESS ROAD MINOR ADJUSTMENT
3725A-11	PROPOSED UNIT SEPERATION - PARKING SPACES

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. The development hereby approved shall not create more than 550 square metres of B1 (offices) floorspace.

Reason: In order to ensure highway safety in accordance with saved policy T1 of the City of Durham Local Plan and Part 4 of the National Planning Policy Framework.

4. No machinery/plant shall be operated on site until a detailed noise impact assessment and scheme of sound attenuation measures is submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The development shall be carried out in accordance with the approved scheme.

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

5. Details of the external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

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

6. No commercial activities, including deliveries and vehicular movements shall take place before 0700 hours and continue after 1900 hours Monday to Friday, or commence before 0800 hours and continue after 1700 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

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

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

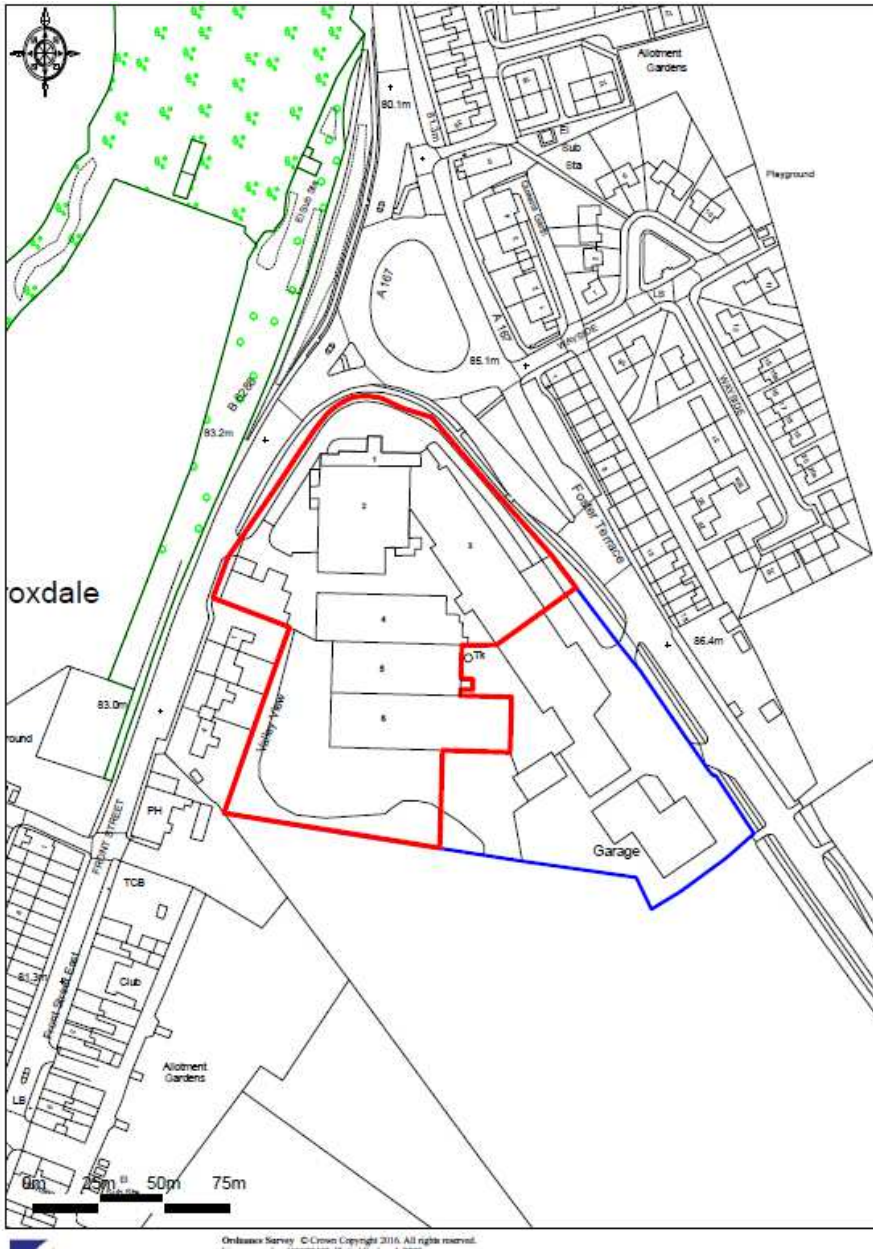
BACKGROUND PAPERS

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

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Comments

Proposed subdivision and refurbishment of the former NESS factory to create units for B1, B2 and B8 uses.

Date January 2017

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