



Area Planning Committee (Central and East)

Date Tuesday 11 September 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 10 July 2018 (Pages 3 - 22)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/18/01671/FPA - 11 Prospect Terrace, Nevilles Cross, Durham (Pages 23 - 32)

Two storey, single storey rear extensions and internal alterations to provide 2no. additional bedrooms to an existing C4 (small HMO).
 - b) DM/18/01043/FPA - Garden Villa, Newcastle Road, Durham (Pages 33 - 54)

Demolition of existing residential dwelling and construction of four residential dwellings.
 - c) DM/18/01731/FPA - Ingleside, Whinney Hill, Durham (Pages 55 - 64)

Part change of use from C3 (dwellinghouse) to C1 (holiday let) retaining the existing C3 use across the remainder of the property.
 - d) DM/18/00833/OUT - Deerness Villa, Sleetburn Lane, Langley Moor (Pages 65 - 86)

Outline application for the demolition of an existing bungalow and associated outbuildings and the construction of 9 dwellings with all matters excluding access reserved for future consideration.
 - e) DM/18/01995/FPA - Durham Sixth Form Centre, The Sands, Durham (Pages 87 - 100)

Multi media teaching block (amendments to previously approved scheme).

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

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
3 September 2018

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

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

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan, M Davinson, D Freeman, A Gardner, K Hawley, S Iveson, P Jopling, R Manchester, J Robinson and O Temple

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 10 July 2018** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Blakey (substitute for I Cochrane), G Bleasdale, D Brown, J Clark, K Corrigan, D Freeman, K Hawley, S Iveson, I Jewell (substitute for M Davinson), R Manchester, L Pounder (substitute for A Laing) and O Temple

1 Apologies for Absence

Apologies for absence were received from Councillors M Davinson, A Gardner, P Jopling and J Robinson.

2 Substitute Members

Councillor J Blakey substituted for Councillor I Cochrane, Councillor I Jewell substituted for Councillor M Davinson and Councillor L Pounder substituted for Councillor A Laing.

3 Minutes

The minutes of the meeting held on 12 June 2018 were confirmed as a correct record by the committee and signed by the Chairman.

4 Declarations of Interest

Councillor J Clark declared an interest in Item 5d as a member of the Durham City Housing Group (CDHG) Operations Board. It was noted that she would leave the Chamber and take no part in the discussion or voting thereon. Councillor G Bleasdale declared an interest in Item 5c as a Local Member for that Electoral Division.

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

The Chairman noted that Item 5e, DM/18/01043/FPA - Garden Villa, Newcastle Road, Crossgate Moor, Durham had been withdrawn.

a DM/18/01115/FPA - Fram Well House, Diamond Terrace, Durham, DH1 5SU

The Principal Planning Officer, Henry Jones, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer, HJ advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was redevelopment to provide 2/3 storey office building of 1251 sqm floor space and it was recommended that Members be minded for approval subject to referral to the Secretary of State and subject to conditions as set out within the report. Members were reminded that in the event the Secretary of State do not call the application in for their determination then the Council would then be able to issue the planning approval decision notice.

The Principal Planning Officer, HJ referred to site photographs highlighting the access to the site and explained that the application site did not include the "Main St. USA" building, rather Fram Well House located further to the rear of the photographs. He added the site access would remain the same location.

The Committee were informed that the Durham City Green Belt (DCGB) began where the existing building ended, and the Principal Planning Officer, HJ referred Members to a slide highlighting the proposed site plan, with the 5 metre encroachment of the proposed building into the DCGB being shown. Members noted there was already hard surfacing within the DCGB, with unmarked car parking, and that the application would seek to rationalise this and included demarked car parking spaces. It was added that a route for refuse/emergency vehicles was also shown on the site plan. The Principal Planning Officer, HJ referred to elevations and landscaping, noting brickwork, glazing and cladding used in the design. It was explained that due to the site levels, the ground floor was partially below ground, with the first and second floors being above ground. He added the height of the proposed building ranges from approximately 9m to 6.7m, due to the differing ground level at the site. The Principal Planning Officer, HJ referred to the South East elevation and noted the angle of the front of the building and also louvered windows to help protect privacy for residents of Diamond Terrace.

The Committee were informed of updates in terms of representations with 4 additional public letters of objection making 28 letters in total. It was explained objections had been made by: local residents; Sidegate Residents' Association, St. Nicholas' Community Residents Forum; the City of Durham Parish Council; and the City of Durham Trust.

The Principal Planning Officer, HJ noted that a summary of the objections was set out in the report, with the main issues raised being that objectors felt that special circumstances for development within the DCGB had not been demonstrated and in terms of the design of the proposed building.

The Principal Planning Officer, HJ noted that there had been no objections raised by statutory or internal consultees. Late additional representations had been received in the form of a letter of support from Business Durham, noting job creation and a lack of high quality office accommodation in Durham City and the withdrawal of any concerns from the Coal Authority

The Principal Planning Officer, HJ explained that the application did constitute inappropriate development as it encroached into the DCGB. He added that the key planning balance to be undertaken was whether very special circumstances clearly outweighed the harm caused by the encroachment into the green belt and any other harm. It was noted that while the encroachment into the DCGB had to be attributed substantial weight, the harm was nevertheless more limited in this particular case having regards to the degree of incursion and existing presence of hard surfacing within the DCGB. There would be an impact on the amenity of the occupiers of Diamond Terrace but this was not significant. The Principal Planning Officer, HJ noted that the very special circumstances principally revolved around the benefit of office accommodation, there having been very few developments of this type in recent years.

The Committee were informed there had been a lot of interest from potential occupiers. It was added that in terms of conditions, there was an update to Condition 5 as an updated revision of the Landscape Masterplan had been received whilst with the Coal Authority withdrawing their concerns, Condition 13 was no longer required.

The Chairman thanked the Principal Planning Officer, HJ and the Case Officer and asked Parish Councillor J Ashby, Chair of the City of Durham Parish Council's Planning Committee to address the Committee, speaking in objection to the application.

Parish Councillor J Ashby noted he was grateful for the opportunity to speak on behalf of the City of Durham Parish Council about its objections to the application. He added there were two key points that the Parish Council wished to emphasise: the size of the proposed development; and the unacceptable incursion into the Green Belt.

He explained firstly, in terms of size, the existing building presented its biggest side to Diamond Terrace, that side being 5.5 metres high, while the proposed side would be 9.5 metres high, nearly double. Parish Councillor J Ashby noted Members would appreciate the significant adverse impact that this would have on the amenity of the residents of Diamond Terrace.

He noted that the Officers' report stated that "the development would represent an improvement in this part of the Conservation Area over and above the existing building", however, design was a matter of subjective judgement.

Parish Councillor J Ashby noted the Parish Council Planning Committee's judgement was that the proposal, because of its over-bearing impact, would not be an improvement.

Parish Councillor J Ashby added that secondly, Members would be well aware that Green Belts were designed to protect openness and to create boundaries that mark the line between buildings and open land. He added that the whole point of the boundary was to say 'no buildings beyond this point'.

He noted that the main argument put forward in favour of the proposed development was to bring "an under-used building back into a productive re-use". Parish Councillor J Ashby noted that argument carried little weight because the National Planning Policy Framework (NPPF) was clear that the harm caused by inappropriate development in the Green Belt should be given substantial weight. He added that it was felt the case being made in the application was a weak one and it did not outweigh the need to protect the Green Belt.

Parish Councillor J Ashby explained that the Parish Council would also like to draw the Committee's attention to the fact that the application was a speculative development. He added that there was certainly no prospective tenant waiting, and indeed the developer offered the alternatives of letting the building either as a single unit or floor by floor. Accordingly, he felt the argument that the building had to be as big as proposed in order to meet the unsubstantiated needs of the market lacked any conviction. He noted furthermore, the claimed financial benefit relied upon the new occupiers being from outside the region yet the prospects identified in Table 3.1 of the applicants' Green Belt Assessment were from within the region and two of them were from within the City.

Parish Councillor J Ashby reminded Members there was already a major building site nearby at Milburngate House and the planning permission there included five office blocks, nearer to the city centre and would be available to prospective tenants relocating in the city or in the region. He added that Salvus House at Aykley Heads was being marketed right now on behalf of the County Council. Parish Councillor J Ashby noted it was a very attractive building in a superb setting, on a designated office development major site. He noted it offered office suites comparable to a single floor of the proposed new offices at Sidegate, with those at Salvus House being ready for occupancy now.

In conclusion, Parish Councillor J Ashby noted all sides agree that this was an inappropriate development in the Green Belt. He added it would turn what was now open land into a bulky and very tall building and that there could be no doubt that it would eliminate openness.

Parish Councillor J Ashby noted Courts had held that reduction in Green Belt openness, however slight, cannot be claimed to be acceptable. The NPPF (paragraphs 87 and 88) requires that the application should not be approved except in very special circumstances. He added that this was a high bar, and the case advanced did not meet it. He noted that in any case, the test was not a simple balance of probabilities, the benefits had to clearly outweigh the potential harm to the Green Belt, and in this case they did not.

Parish Councillor J Ashby noted that accordingly, the City of Durham Parish Council asked the Committee to refuse the application on the grounds that it represented inappropriate development which was by definition harmful within the Green Belt, in conflict with Policy E1 of the Local Plan and NPPF paragraphs 87 and 88, and that it represented new office development causing significant adverse impact on the amenity of neighbouring occupiers, contrary to Policy EMP14 of the Local Plan.

The Chairman thanked Parish Councillor J Ashby and asked Mr J Lowe, Chairman of the Sidegate Residents' Association to speak in objection to the application.

Mr J Lowe explained he lived at Diamond Terrace just a few yards from the proposed office block, chaired the Sidegate Residents' Association and also the City of Durham Trust, and he was speaking on behalf of both. He added that detailed objections had been set out within written submissions and they had been re-affirmed in response to the recent slightly amended application.

Mr J Lowe noted site was very constrained and only accessible from the busy dual carriageway of Framwellgate Peth. He added that the Durham City Green Belt actually started within the site, the site simply did not have the capacity for a large office block. He explained that the offices to be demolished accommodated about 12 employees and the proposed block was designed to take about 120, a tenfold increase, though many of the jobs will relocate from elsewhere. He noted that the developers claimed that the building had to be so big to meet the needs of potential clients. Mr J Lowe noted that the fact that they were prepared to let the three floors as separate units contradicted this and that potential clients must clearly be happy with one third of the space. Mr J Lowe noted he felt the true reason for the proposed mass was to make the venture financially viable.

Mr J Lowe noted he would give just one measure to illustrate the increased mass of the building. He explained that the wall currently facing Diamond Terrace was 5.5 metres high and the proposed wall would be 9.5 metres high. He noted that this would have a dramatic and negative impact, towering over the residents of Diamond Terrace, contrary to saved policy EMP14 in the Durham City Saved Plan.

Mr J Lowe noted a further harmful consequence of trying to squeeze such a large block onto such a constrained site was that it intrudes into the Green Belt by at least 15% of the floor area. He noted that this was inappropriate development and it was not a minor intrusion. He added that in the Green Belt the building would be three floors high and so significantly impact on the openness of the Green Belt, one of its key purposes. Mr J Lowe noted he felt there were no very special circumstances to justify this, all developments have to be financially viable.

Mr J Lowe explained that the design of the building was totally wrong for the Durham City Conservation Area. He noted it was a large box with a flat roof, with its materials being dark rough bricks and concrete cladding. He added that according to Policy E22 of the Durham City Saved Plan, materials in the Conservation Area must be "reflective of the existing architectural details". Mr J Lowe noted the proposed materials do not even remotely reflect the traditional red brick and sloping slate roofs of all the current buildings in the area.

He noted that, in short, the proposal offended against national policy by its unjustified intrusion into the Green Belt. He added that it offended against local policy by its inappropriate architectural design in a Conservation Area. He also noted that it offended against the amenities of local residents by its overbearing scale.

Mr J Lowe concluded by asking the Committee, as the people's elected representatives, to listen to the voices of the local people who all oppose this development and vote to reject this unsuitable application.

The Chairman thanked Mr J Lowe and asked Mr N McMillan representing the Hanro Group, the Applicant, to speak in support of the application.

Mr N McMillan, iMpeC Developments, noted that the applicant Hanro were seeking planning approval for redevelopment of Fram Well House in Durham City to deliver much needed new, modern office space. He added there were three main points he wished to bring to the attention of the Committee, namely: need/demand; the encroachment into the green belt; and the design.

He noted that Durham City had almost no modern office space and the application represented a way of addressing the issue now. He noted that surveys had shown a demand for around 1.1 million sq ft of office space, with only 250,000 sq ft being available in County Durham and therefore the County was missing out on jobs. Mr N McMillan noted to attract the best talent, who would want a range of amenities nearby and good transport links, companies were more and more having to offer city centre locations and he felt that the proposed site was perfectly placed. He added that surveys had also noted businesses were looking for larger space and therefore there was a need for such accommodation.

Mr N McMillan explained, in terms of the encroachment into the green belt, that the existing floorplan was not large enough for modern use and the encroachment had been kept to a minimum. He added that only 16% of the proposed floorplan was within the green belt and if all of the current office building had been constructed within the green belt, the proposed extension would be allowed. Mr N McMillan noted the existing car park, which was of poor construction, and that he had worked with planners in order to move the development forward.

In respect of the design, Mr N McMillan explained that he had met with Sidegate Residents' Association and had updated the proposals after dialogue, however, he respected their opinion and hoped to be able to continue to engage. It was noted that the architects, MawsonKerr had featured in Channel 4's Grand Designs: House of the Year programme and that there had been reference to the site's industrial heritage within the design. He added that the design overall was respectful and of a high quality.

Mr N McMillan noted that there was demand and the development represented the first speculative office building in Durham City for over a decade. He added it would complement the developments at Millburngate and proposed development at Aykley Heads and that should permission be granted, building could commence quickly, beginning on site before the end of the year.

The Chairman thanked Mr N McMillan and asked the Senior Planning Officer, HJ to respond to the points raised by the speakers.

The Principal Planning Officer, HJ noted a reference made to the development being only 5m from Diamond Terrace and added that the report highlights that the proposed development would be 9.6m away at the nearest point. He added that the height of the proposed building would be approximately 9m, with typical 2 storey houses being around 8m, therefore the development was domestically scaled. In terms of design, the Principal Planning Officer, HJ noted that while this was always subjective, Officers had felt it was acceptable, used traditional materials, and there had been no objections from the Council's Design and Conservation Section and added that the design was more appealing than that of the existing building.

The Principal Planning Officer, HJ explained that officers are in agreement with objectors that the development constitutes inappropriate development in the Green Belt. However, the Principal Planning Officer, HJ note that the overall harm to the green belt was limited, the overall impact on the openness of the green belt was limited and Officers felt this limited impact was clearly outweighed by the benefits of the development. In respects to the points raised about alternative sites the Principal Planning Officer, HJ added that most of the office development proposed at Milburngate only has planning permission in outline at the moment and would take considerable time from now to come forward. The proposals at Aykley Heads are only emerging proposals within the County Durham Plan and do not have planning permission. In contrast the Principal Planning Officer, HJ explained that in terms of this application, the developers had explained they would be able to build out the relatively small development quickly, while the Millburngate and Aykley Heads would take longer to come to fruition.

The Chairman thanked the Principal Planning Officer, HJ and reminded Members of the Committee that the recommendation within the report was Minded to Approve.

Councillor J Clark noted she was surprised on the site visit to see an existing car park already on the green belt. She added she was surprised at the level of objections as the existing building was very dated and if left would likely end up in a state of disrepair. She noted as regards the design and the site being a former engineering yard, the design fitting in nicely. Councillor J Clark noted she had some sympathy with the residents of Diamond Terrace, however, she proposed the recommendations as set out in the Officer's report.

Councillor I Jewell noted the site visit had been very useful and noted the current building was vacant. He added this may be due to its size, and it may deteriorate if left empty. He noted that the application offered a chance for a new building and added that the railway embankment was much higher than the proposed building. Councillor I Jewell noted that the car park already encroached into the green belt and there was some derelict buildings too. He noted that the proposed development would not make anything worse and seconded the proposal to be minded to approve, as per the Officer's recommendation.

Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had not inputted into the statement made by Parish Councillor J Ashby. He added he was a Local Member, for the Elvet and Gilesgate Electoral Division.

Councillor D Freeman noted that he did have concerns as regards the application, adding that reading the report he felt it too was not fully supportive. In respect of green belt encroachment he noted that this was acceptable only in exceptional cases and he felt a standard office block did not justify this. He added that the Officer's report noted there was impact upon openness and a visual impact. Councillor D Freeman noted the existing car park was on the green belt, however, he explained that the green belt represented a boundary in terms of where development would end, and not to allow inappropriate development beyond it. He added the car park was not an excuse to allow development.

Councillor D Freeman noted he also had concerns in terms of paragraphs 104-108 within the report, which referred to residential amenity and the proposed building being dominant and larger. He added that the separation distance of 9.6m to Diamond Terrace did not seem satisfactory noted the speakers' comments in terms of demand. Councillor D Freeman explained that there was office space currently available at Salvus House, with the Council being very keen for businesses to move in as soon as possible.

Councillor D Freeman noted that there had been no objections from the Highways Section, however, a previous application for student accommodation at the site had comments from the Highways Section that the access was a dangerous junction and asked that if it was unacceptable in terms of highways safety for student accommodation, how was it not acceptable for office accommodation. He concluded by noting that he felt that it was an odd spot for office accommodation.

Councillor O Temple noted there had been a very good summary of the arguments from both sides. He added that in terms of the Committee it was a question of policy and to judge on that basis. He noted that the Officer's report had been clear that any application would have been recommended for refusal, unless there were very special circumstances. Councillor O Temple referred to paragraph 83 of the report which set out those circumstances, and he noted he felt he did not find them very convincing that the building must be of the size proposed and encroach into the green belt. He added that if less than 1,000 sq ft then the application would not require referral to the Secretary of State and noted that he would argue the development was not domestically scaled, the proposals being 1.5m higher than a domestic ridge height the proposal having a flat roof therefore the additional height being at the frontage, not a ridge. Councillor O Temple felt the developer was pushing the envelope of the area of land on the basis of jobs, however, he could not see any evidence that a slightly smaller office would be out of the question. He added that the design did not mirror the existing domestic dwellings and noted that the report gave the Committee every reason to decide whether the application had not demonstrated very special circumstances. Councillor O Temple concluded by noting that he had not heard any special reason and felt there was plenty within the Officer's report that could be used to reject the application and that would satisfy the Solicitor to the Committee.

The Principal Development Management Engineer, A Glenwright noted he was not the Highways Officer involved with the previous application referred to.

He explained he had read the Highways Development Manager's comments as set out in the previous report from student accommodation and while the Highways Development Manager had assessed the access was not adequate for the previous application that had not been referred to within the report for this application. The Chairman noted the report for this application set out that the Highways Section had stated the access was acceptable.

The Principal Planning Officer, HJ stated that the access being discussed is existing with space for around 30 or so spaces within the site at present. The proposed development would demarcate the spaces, totalling 21 spaces, therefore there would be limited scope for movements as a result of the development.

The Chairman noted the application had been moved by Councillor J Clark and seconded by Councillor I Jewell and asked Members to vote. Upon the vote being taken, the vote was tied. The Chairman noted he was minded to approve the application and in exercise of his casting vote the application was approved.

RESOLVED

That the Committee was **MINDED TO APPROVE** the application be subject to referral to the Secretary of State and the conditions detailed in the Officer's report to the Committee.

b DM/18/00969/FPA - Land To The South And West Of Oakerside Drive, Peterlee

The Senior Planning Officer, Laura Eden, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for 67 dwellings with associated infrastructure and landscaping and was recommended for approval subject to conditions as set out within the report and a Section 106 (s106) Legal Agreement.

The Senior Planning Officer, LE referred to site photographs and explained that the site partially includes land once utilised as a playing field by the adjacent school site however had not been used as such for over five years. She referred to the remainder of the land comprising of amenity open space which benefits from tree planting. Members were asked to note that access into the site will require the relocation of the existing northbound bus stop on Oakerside Drive, the details and implementation of which will be secured by Condition 7 and the removal of a number of existing trees. The Senior Planning Officer, LE explained that whilst there are no recorded public rights of way contained within the application site itself there was an informal path cutting across the land however this route would be broadly retained within the development.

Members noted the change in height across the site and the palisade fencing that separates the site from the Shotton Hall Academy site.

The Senior Planning Officer, LE explained that the application was for full planning approval for 67 dwellings, with 2, 3 and 4 bedroom properties in a mix of detached, semi-detached and terraced options. She added that there would be 10% affordable housing, being 7 of the 2-bedroom properties spread across the site. It was added that all dwellings would have off-street parking and a garden. Members noted that an area of amenity land would be retained and a sustainable drainage system (SuDS) would be included. A landscape planting scheme had also been submitted.

The Senior Planning Officer, LE referred to the proposed elevations of the house types, noting the design was felt to be appropriate and materials would be dealt with by condition.

The Committee were informed that there were no objections from internal or statutory consultees. The Senior Planning Officer, LE noted there were some updates to bring to Members attention since the publication of the committee report and amendments were suggested to two conditions if Members were so minded. The construction management plan (CMP) was in the process of being improved to reflect the comments of the Environmental Health Officer, therefore delegated authority was sought to update condition 9 once the CMP was agreed. Amendments were also sought to Condition 2 (approved plans) to reflect the most up-to-date revisions of plans.

It was explained that there had been 6 letters of objections and 1 letter of support, with a summary as set out within the report. It was noted that it was not felt on balance that the issue raised could justify a refusal and the Senior Planning Officer, LE noted that while there was loss of open space, that which would be retained would be enhanced. She added that the application was not felt to be contrary to saved Local Plan Policies or the NPPF and there would be overall public benefit in terms of a contribution to housing land supply, affordable housing, construction jobs and the contributions secured through the s106 legal agreement. The Senior Planning Officer, LE concluded by noting the application was in a sustainable location, well related to the surrounding area and was recommended for approval, subject to conditions, the amended conditions as discussed, and a s106 legal agreement.

The Chairman noted there were no registered speakers and asked the Committee for their comments and questions.

Councillor J Blakey asked if there was any bungalows included within the application. The Senior Planning Officer, LE noted there was not, all the properties were two storey.

Councillor J Clark noted that she gave credence to the comments from the Arboricultural Officer and noted from local experience that Peterlee itself had been developed deliberately with large public open spaces.

She added that she supported the landscaping in terms of replacement trees and noted there was plenty of open space retained and also elsewhere nearby. Councillor J Clark moved that the application be approved, subject to the amended conditions and s106 agreement.

Councillor I Jewell noted the number of objections was very small for a development of this size and some did not constitute valid planning considerations. He noted the need for additional housing and seconded the motion for approval.

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments as noted by the Senior Planning Officer.

c DM/18/00189/FPA - Seaham Hall Hotel, Lord Byrons Walk, Seaham

The Team Leader – Central and East, Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Team Leader – Central and East advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use of land for holiday accommodation, engineering operations to create 20 bases for holiday lodges, access and car parking, erection of four permanent holiday lodges and landscaping and was recommended for approval, subject to conditions and a s106 agreement.

The Team Leader – Central and East noted the proposed holiday lodges fell under the definition of a “caravan” as set out at the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1986.

She added that the application was by Seaham Hall Ltd, and was to complement the existing hotel and spa offer. Members were referred to aerial photos and plans and asked to note the heritage assets in the area: Seaham Hall – Grade II listed; the Church of Saint Mary the Virgin (Grade I listed); and the 19th Century rectory (Grade II listed). The Team Leader – Central and East referred the Committee to the main entrance to Seaham Hall and the north-eastern entrance, used by service and emergency vehicles. Members were referred to paragraph 129 of the report and asked to note it should read north east, not west of the site.

The Team Leader – Central and East noted there had been representations from Historic England, though it was noted that there would be less than substantial harm from the development and Natural England had raised no objections to the application. It was added that Visit County Durham had noted their support for the application and the Council's Regeneration and Economic Development Officers were also in support of the application.

Members noted no objections from the Highways Section, subject to the improvements to the visibility splay at the western entrance being conditioned. It was noted there were no objections from the Archaeology Section, subject to a programme of archaeological work being submitted alongside a written scheme of investigation. The Team Leader – Central and East explained there had been no objections from Ecology Officers and the Public Rights of Way Section had offered no objections to the application and no objections to a proposed diversion of the right of way located to the north east of the site, subject to the usual public consultation process. Members were informed that Landscape and Design Officers had noted some harm, though less than substantial.

The Team Leader – Central and East noted that there were a number of public representations, 9 letters of objection and a letter from the local Easington MP, Graeme Morris. Members noted a summary was included within the report, with the main issues including: impact on heritage assets; the benefits not outweighing the harm of development; issues with access, blocking of the public right of way; drainage issues; and impact upon amenity.

The Committee were reminded that the hotel was well established and that the principle for accommodation for tourism was acceptable. It was added that the level of harm of the development had been assessed as less than substantial and Officers felt that the benefits included: more visitor nights, 25 full-time equivalent jobs at Seaham Hall and construction jobs; and adding to the vitality of the existing offer.

The Team Leader – Central and East noted that the Highways Section had noted the access could be improved which was in accord with the NPPF and policies 30 and 36 of the saved District of Easington Local Plan. It was added that the increase in tourist numbers was mitigated by alternative green space and a financial contribution via the s106 legal agreement, in accord with the NPPF and policy 18 of the saved District of Easington Local Plan. She reminded the Committee of the conditions in terms of archaeological surveys and investigations on site.

The Team Leader – Central and East noted that the Applicant had suggested amendments to conditions 6, 10 and 16 in terms of minor investigation/preparation works, Officers had no concerns as regards these and therefore the recommendation was as per the report subject to those amendments.

The Chairman thanked the Team Leader – Central and East and the Case Officer and asked Mrs L Chapman to address the Committee, speaking in objection to the application.

Mrs L Chapman noted that she was speaking on behalf her mother who had lived for 30 years just metres from the proposed development site. She noted that there had been a number of developments in the past which had been carried out sympathetically in regards to the nearby heritage assets which had been in place for thousands of years.

Mrs L Chapman noted that there had not been sufficient public consultation up to this point and it appeared that discussions had been taken for years, however, residents had only found out around Christmas time. She added there would be impact upon the irreplaceable heritage assets and loss of amenity to her mother.

Mrs L Chapman noted in terms of the insufficient public consultation that in terms of the local event, residents had only 2 days' notice and only 44 residents out of the 22,000 in Seaham had attended, not a substantial number. She added that she did not think a few hours was sufficient to allow discussions as regards a development that would impact upon sites of national significance, St. Mary's Church being one of the 20 oldest churches in the country, older than Durham Cathedral. Mrs L Chapman noted that the loss of historic setting and added she was not sure that the proposed economic benefits of an additional £890,000 to £2.1million was correct. She added that the NPPF and saved District of Easington Local Plan, at Policy 24, noted no development that had an adverse impact on character of the area would be permitted, unless there were substantial benefits. Mrs L Chapman noted that she felt the creation of around 30 jobs did not provide a greater benefit than the loss that would be caused by the development. Mrs L Chapman explained that there would be loss of amenity for her mother, with the proposed development meaning that 24 caravans would be in front of her mother's property. The Chairman thanked Mrs L Chapman and asked Mrs C Hindmarsh to address the Committee, speaking in objection to the application.

Mrs C Hindmarsh noted that she felt that the application should have been 2 separate applications as some aspects represented housing and some being caravans. She added she felt that it was having the application by the back door. Mrs C Hindmarsh noted that she felt the issue had not been publicised and that the report was deeply prejudiced and the process not democratic. She added there had not been reference to the work of the former County Archaeologist, Niall Hammond in 1998/99 and also noted that elements relating to the NPPF, for example that relating to Part 4 of the NPPF and transport. She noted that it was unrealistic that anyone would travel to the site other than by car, the proposed car park size suggesting this to be the case.

Mrs C Hindmarsh noted a number of assertions were being made and she added they should not be accepted if they were not evidenced. She referred to an application for a caravan site at the nearby clifftops in 2012 that had been turned down, noting no benefit. She explained that there was also an Anglo-Saxon graveyard, 650-750 AD, at the site and that iron hinge chest burials had been discovered at the site, noting that this suggested a high status ecclesiastical site. Mrs C Hindmarsh reiterated that St. Mary's Church was one of the oldest churches in the country, with 18 of the oldest 23 being in the North of England.

Mrs C Hindmarsh added that she felt the number of new jobs was exaggerated, much of the construction would be undertaken off-site, and the units would not require maintenance for a number of years, or indeed decades and therefore it was not encouraging jobs in the way suggested by Government. She noted that most people over 60 years old believed the "flower field" belonged to the medieval village.

The Chairman thanked C Hindmarsh, adding that the consideration of the application by Committee was not undemocratic, the recommendation and report having been prepared by professional Planning Officers with the Elected Members of the Planning Committee to make the decision.

The Chairman asked Mr R Grieve, Managing Director, Seaham Hall and Mr J Taylor, agent for the applicant to speak in support of the application.

Mr R Grieve explained that Seaham Hall, since 2000, was a 5 star boutique hotel and spa and had an excellent regional, national and international reputation. He added that since 2011 there had been significant investment to create a business model that was sustainable for the future and explained the proposed development would secure around 150 full and part-time jobs, predominately from the local area. Mr R Grieve added that the development would help to increase revenue for local businesses in the area.

Mr R Grieve added that the development would benefit local attractions and would added to the continued success of Seaham Hall, adding a diversity to the offer and benefits also in terms of length of stay.

He added that in the wider context of uncertainty arising from terrorism and Brexit, there had been an increase in “staycations” and therefore the proposals would help ensure a flexibility for the business and provide a quality environment.

Mr J Taylor thanked the Committee and noted that he felt the Officer’s report was well balanced and noted there had been no objections from the statutory or internal consultees. He added that the Council’s Archaeological Section had noted no objections, subject to the scheme of site investigations, and the Highway Section had offered no objections, subject to improvements in terms of the visibility splay at the access. In reference to the public consultation event, Mr J Taylor noted that 45 attendees was a fair representation in terms of the number of people that attend such events.

Mr J Taylor noted that the proposed lodges would complement the other tourism offers and in terms of the “flower field”, the proposals would formalise the existing footpath. He concluded by noting that through thoughtful design, the development would help improve the offer to the area and Seaham Hall and asked that the Committee support their Officers’ recommendation for approval.

The Chairman thanked the speakers for their comments and asked the Team Leader – Central and East to respond to issues raised.

The Team Leader – Central and East in terms of loss of amenity to The Lodge, there were proposed access improvement and a change such that staff would access via the west access as opposed to the north east access. It was added that loss of a view was not a material planning concern. She added that pre-application public consultation was undertaken and at the application stage, the requisite statutory consultation was undertaken, with direct contact and notices in the press and on site. In respect of the public right of way, the realignment would improve use of the Grade 1 Listed Church and keep people away from the landscaping.

The Team Leader – Central and East noted she would ask colleagues from the Archaeology Section and Visit County Durham to speak as regards issues within their areas.

The Principal Archaeologist, Dr D Mason noted that the medieval cemetery had required archaeological evaluation using geophysics and trial trenching and that there had been no archaeological features or deposits had been noted, he having personally inspected the trenches. It was added that the reasonable approach was the requirement for a written programme of investigation works by the Local Authority.

The Destination Project Manager, Visit County Durham, C Wilson explained that the Seaham and the Heritage Coast had attracted around 3.2 million visitors in 2016, tourism being worth over £109 million - £20.18 average day visitor spend - £154.50 average spend per trip of overnight visitors and with 1,592 employed within the visitor economy. He concluded by noting that the type of development as proposed would help to develop the area over the next 5-10 years.

The Chairman thanked the Officers and asked Members of the Committee for their questions and comments.

Councillor G Bleasdale noted she was a Local Member for the Seaham Electoral Division and was horrified that the application was at Committee. She added she felt there should have been residents' meeting in terms of this "crown jewel". Councillor G Bleasdale added that the Church and surrounding area was very old and that she recalled walks along the area with her children, grandchildren and great-grandchildren, adding it was very sad if it became a commercial area. She added that the access was on to a very dangerous road and she felt that the impact upon Seaham Hall and the listed Church would be terrible.

Councillor J Blakey noted concern as regards what could be lost once development began, asking would it be possible or preferable to defer until archaeological works had been undertaken. The Principal Archaeologist noted the information within the report was up-to-date and that the further investigations would be undertaken before development started.

Councillor S Iveson noted some confusion in terms of lodges and caravans. The Team Leader – Central and East explained that 20 "lodges" were being considered in terms of the 1960 Act, and were for change of use, with conditions to be placed upon their use. She added that 4 units were 2-storey buildings and these would be considered as dwellinghouses via a full planning application, with conditions for future control. Councillor J Blakey asked if dwellinghouses was there a requirement to live at those property for 12 months of the year or otherwise. The Team Leader – Central and East noted there was not, as they were not principal places of residence and therefore not lived in permanently.

Councillor I Jewell noted that there had recently been many improvements at Seaham, however, further development required additional tourism assets and with appropriate accommodation as needs grow. He noted that paragraph 59 of the report highlighted information in terms of mitigation in relation to the public right of way.

He proposed that the application be approved as per the Officer's report. The Team Leader – Central and East noted that as the development formed part of the hotel site, it was not expected that there would be further applications in terms of shops and laundry facilities.

Councillor O Temple asked as regards site ownership, the tenure of the lodges and the terms of any leasehold in respect of unrestricted use, or whether it was by booking via the hotel itself. He added he took some comfort in the improved access arrangements, and reiterated that he felt it would be in the hotel's best interest in terms of reputation to control the operations. The Chairman allowed Mr R Grieve to answer the question. Mr R Grieve noted that Councillor O Temple was 100% correct, all booking would be via Seaham Hall as would all maintenance. Councillor O Temple noted he seconded Councillor I Jewell.

Councillor J Clark noted that she understood the emotions in respect of the important heritage assets, however, she had been satisfied that the application was not for a "caravan site" as such. She added that St. Mary's Church was a relatively unknown gem and she understood that the Church struggled in terms of volunteers and suggested that those that may choose to use such lodges may be those interested in such work. Councillor J Clark noted many positives associated with the application and added her support.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments as noted by the Team Leader – Central and East.

*Councillor J Clark left the meeting at 2.45pm
and took no part in the following item.*

d DM/17/04124/FPA - Tamar Close and Teign Close, Peterlee

The Team Leader – Central and East, Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was 14 dwellings at Tamar Close and 27 dwellings at Teign Close, Peterlee (41 dwellings) and was recommended for approval, subject to conditions and a s106 agreement. It was noted that the application was for the Passfield Electoral Division, rather than Peterlee East as set out within the report.

The Team Leader – Central and East noted there had been no objections from statutory or internal consultees following some amendments in terms of the landscaping scheme and subject to the conditions set out within the report.

It was added that the scheme represented 100% affordable tenure, though the s106 agreement noted 10% affordable housing on site, and that the element within the s106 agreement in terms of enhancement or provision of play facilities would be for the Passfield Electoral Division.

The Chairman thanked the Team Leader – Central and East and the Case Officer and asked Ms B McQue, Senior Planner, Indigo Planning - agent for the applicant to address the Committee, speaking in support of the application.

Ms B McQue thanked the Chairman and Committee and explained the applicant, County Durham Housing Group (CDHG) had engaged Indigo Planning in respect of this application. She added that as agent she agreed with the Planning Officer's report and reiterated that it was to provide 41 affordable units, and there had been no objections from statutory or internal consultees. Ms B McQue noted that the application was in accord with the NPPF and the saved District of Easington Local Plan, the application land not having been allocated a specific land use.

Ms B McQue explained that there were several benefits to the scheme, with Peterlee being a very popular town and the housing type was highly sort after. It was reiterated that the land was not protected open space and that up until around 25 years ago there was housing on the site. Ms B McQue noted that each property had parking provision for 2 vehicles, as well as there being 28 visitor spaces, alleviating some of the concerns raised by nearby residents. It was confirmed that all the properties would be constructed in line with wheelchair adaptable standards.

Ms B McQue noted that the Education Officer had reported that there were sufficient school places available in the area and that the s106 agreement would secure over £50,000 in terms of play facilities and the Durham Coastal Management Plan.

Ms B McQue reiterated that the application was in line with the planning policies in place and that the scheme was suitable, sustainable and deliverable, and was a clear opportunity to provide affordable housing for County Durham. She concluded by noting that there was an amended plan from that shown within the Officer's presentation, with plots 1-6 on the Tamar Close site having been rotated.

The Chairman thanked Ms B McQue and asked Members of the Committee for their questions and comments.

Councillor J Blakey moved that the application be approved, she was seconded by Councillor G Bleasdale. Councillor I Jewell agreed adding that not only did the application provide 100% of the properties as affordable housing, there was also provision of bungalows. He also noted that in relation to the concerns of residents as regards parking, there was provision of 2 spaces per property and 28 visitors' spaces in addition.

Councillor O Temple noted he was very happy with the proposals within the report and noted that where the site was located was surrounded by existing housing. He suggested therefore that a start time for works of 8.00am rather than 7.30am may be more suitable for this application.

The Chairman noted this was a good point and asked Officers for their comments. The Team Leader – Central and East noted that the standard start time being applied to applications for the last 6 months had been 7.30am, however, a start time of 8.00am would be a decision for the Committee to decide upon.

The Chairman noted the proposer and seconder were happy to accept an amended start time of 8.00am for works.

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amended plan, the correction of the electoral division and start time for works of 8.00am.

Councillor K Hawley left the meeting at 2.55pm

Councillor J Clark entered the meeting at 2.55pm

e DM/18/01043/FPA - Garden Villa, Newcastle Road, Crossgate Moor, Durham

The item had been withdrawn.

f DM/17/02848/OUT - The Bungalow, Sandgate, Shotton Colliery

The Chairman noted the Senior Planning Officer, Chris Baxter was leaving the Authority and that this would be his last Committee meeting. The Committee thanked the Officer for his professionalism and good humour and wished him well for the future.

The Senior Planning Officer, CB gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was residential development – outline (all matters reserved) and was recommended for approval subject to conditions and a s106 agreement.

The Senior Planning Officer, CB noted the outline application had included an illustrative layout, to demonstrate that 18 semi-detached properties could be accommodated within the site area. He added that the existing bungalow would be retained and access would be from the main highway to the north of the site, with an area of open space being retained along the northern boundary. Members were also asked to note there was a public right of way that ran along the eastern boundary of the site.

The Senior Planning Officer, CB explained there were no objections from statutory or internal consultees, subject to the conditions within the report. He noted there had been 1 letter of objection from the public and 1 letter of support, with a summary being set out within the report.

The Senior Planning Officer, CB explained that the proposals were acceptable in principle, a sustainable development in a sustainable location, with a nearby bus stop. He added that the Highway Section considering that a suitable access could be made from the main highway. It was added there would be a s106 legal agreement securing: 10% affordable housing; a financial contribution towards off-site biodiversity works; and a financial contribution towards the Durham Heritage Coast Management Plan.

The Chairman thanked the Senior Planning Officer, CB and asked Members of the Committee for their questions and comments.

Councillor J Blakey moved that the application be approved, she was seconded by Councillor G Bleasdale.

RESOLVED

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

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01671/FPA
FULL APPLICATION DESCRIPTION:	Two storey and single storey rear extensions and internal alterations to provide 2no. additional bedrooms to an existing C4 (small HMO)
NAME OF APPLICANT:	Mr Sanjay Tulsidas
ADDRESS:	11 Prospect Terrace Nevilles Cross Durham DH1 4JH
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Michelle Hurton Michelle.Hurton@durham.gov.uk 03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site relates to a terraced property which has already been converted into a small house in multiple occupation (HMO) located on Neville's Cross Bank. The property currently has three bedrooms with one including a WC and one bathroom including a WC and a shower at first floor level and at ground floor a living room, a kitchen/dining room and a WC.

PROPOSAL:

2. Full planning permission is sought for the erection of a two storey flat roof and a single storey pitched roof extension to the rear of 11 Prospect Terrace. It is also proposed to amend the internal layout of the property to provide 2no. additional bedrooms to an existing C4 (small HMO).
3. Internally the building is to be reconfigured to allow the creation of a 5-Bed HMO. The property is currently empty because it is being purchased by the applicant for this application. However prior to the property being marketed it was occupied by 3no. unrelated occupants and therefore has an existing C4 use which predates the Article 4 Direction.
4. An article 4 direction is in place in this area that controls further change of use of houses that are in a C3 family house use to a C4 house in multiple occupation.

5. The application is brought before members of the planning committee at the request of Councillor Brown due to concerns raised in relation to the impact on parking and the size of bedroom 2 in relation to minimum space standards in the new HMO regulations which come into force in October 2018.

PLANNING HISTORY

6. 4/03/00879/FPA - Erection of two storey pitched roof extension to rear of existing dwelling – Withdrawn
7. 4/05/00497/FPA - Erection of two storey pitched roof extension to rear of existing dwelling - Refused

PLANNING POLICY

NATIONAL POLICY:

National Planning Policy Framework

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. NPPF Part 6 - Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. NPPF Part 12 - Achieving well-designed places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

City of Durham Local Plan 2004

12. Policy H9 (*Multiple Occupation/Student Households*) The sub-division or conversion of houses for flats, bedsits or for multiple occupations, or proposals to extend or alter properties already in such use will be permitted provided that adequate parking (in accordance with Policy T10), privacy and amenity areas are provided or are already in existence, it will not adversely affect the amenities of nearby residents, it is in scale and character with its surroundings and with any neighbouring residential property, it will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock and it will not involve significant extensions having regard to Policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original dwelling.

13. Policy H13 (*The Character of Residential Areas*) Planning Permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas; or the amenities of residents within them.
14. Policy T1 (*Traffic Generation – General*) 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.
15. Policy T10 (*Parking – General Provision*) Vehicle parking off the public highway in new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development. On average, in residential developments, off road provision should not exceed 1.5 spaces per dwelling.
16. Policy Q1 (*New Development – General Principles*) The layout and design of all new development should take into account the requirements of users, incorporating personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children and the provision of toilet facilities, public seating, and signing where appropriate.
17. Policy Q9 (*Alterations and Extensions to Residential Property*) The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area. Wherever possible the alteration or extension incorporates a pitched roof, the alteration or extension respects the privacy of adjoining occupiers of the property and the alteration or extension will not create a level of multiple occupation.

EMERGING POLICY:

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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. Cllr Brown – Requested that the application be reported to committee, objections raised in relation to the impact on parking and the size of bedroom 2 being only 0.75 sqm over the minimum space standards for a single person as stated in the new HMO regulations which come into force in October 2018.
20. Parish Council – objects to the proposal in relation to the impact on parking and the size of the rooms. The Parish have concerns that the minimum standards for a room being 6.51sqm is not adequate for students given that they will need space to study, therefore they believe a more reasonable room size should be 8sqm.

INTERNAL CONSULTEE RESPONSES:

21. Highways Section - raises no objections
22. Environmental Health – no objections
23. Houses in Multiple Occupation section – no objection
24. HMO Data – There are 19.3% of properties within a 100m radius of 11 Prospect Terrace which are student properties, including 11 Prospect Terrace.

PUBLIC RESPONSES:

25. The application was advertised by means of site notice and by neighbour notification to 9 properties.
26. At the time of preparing this report, one letter of objection has been received from The City of Durham Trust.
27. The City of Durham Trust objects on grounds relating to the increased 'studentification' in terms of properties within 100 metres as it is over the 10% of total properties already in use as HMOs or student accommodation exempt from council tax charges from the Interim Policy.

APPLICANTS STATEMENT:

28. This statement has been prepared on behalf of the Applicant in response to objections received to the proposals. Three objections were received in total, from City of Durham Trust, Councillor Liz Brown and Durham City Parish Council.
29. The City of Durham Trust objected on the grounds that there is more than 10% concentration of student accommodation within 100m radius of the property, and thus the application is contrary to the aims of the Interim Student Policy. However, this property is an existing C4 small HMO, and therefore the concentration threshold placed on change of use applications by the Article 4 Direction do not apply to this development.
30. Councillor Brown has alleged that the dwelling has not been operating as an HMO because there is only one registered occupant of the property for the past 2 years. However, following her allegation, planning enforcement carried out an investigation into the occupation of the dwelling, and were satisfied that they had enough evidence to clarify the use of the property as being within HMO use class.
31. Councillor Brown raised three objections to the development.
32. **Parking.** There is adequate on-street parking to the front of the house. Two additional residents will not generate significant additional traffic. Durham University actively discourages students from bringing cars into the City. The house is located in an area with good public transport links and is within walking distance of the main university teaching sites. Highways have made no objections.
33. **Bedroom size.** Cllr. Brown states that Bedroom 2 is only 0.75m² greater than the minimum space requirement of the HMO Regulations coming into force in October 2018. By her own admission, the bedroom size meets the new standard. Bedroom 2 is 7.25 sqm. and exceeds the minimum standard by 5.8%. Durham City Parish Council expressed an opinion that 8m² would be a more reasonable floor area for student accommodation. Whilst this may be desirable, it is not a material consideration.

34. **County Durham Plan.** Cllr. Brown contends that the proposal does not comply with Policy 17 of the County Durham Plan, but the CDP is not sufficiently advanced to be afforded any weight.
35. The relevant criteria to be met when assessing a proposal to extend an existing HMO are contained in the Interim Student Policy.
36. **Cycle and Car Parking Provision.** Secure cycle storage is provided in the rear yard in sight of the main living space within the dwelling. The requirements of the County Durham Parking and Accessibility Standards are 1 space per 15 students, and this is easily met by the on-street parking.
37. **Bin Storage.** Adequate space for bin storage exists within the rear yard.
38. **Design of the Extension.** The size of the extension has been designed to respect the amenity of the adjoining neighbours. The dwellings to each side of the property have both been extended beyond the rear elevation of No. 11. The two-storey extension will not project beyond the line of the existing two storey extension to No. 10. The extension adjoining No. 12 is single storey only with a lean-to roof, minimising loss of light to the rear yard area. There are several two storey extensions on the terrace.
39. **Security.** Security of the property will be addressed when preparing the Schedule of Works at detailed design stage.
40. Additional Considerations are that no objections have been received from the Durham Constabulary to indicate that the proposal will have a negative impact on the local community, and that no objections have been received from neighbours.
41. **Conclusion.** The objections received to these proposals cannot be substantiated, and it is hoped that the Committee will consider the application favourably and grant consent to the development.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
43. The main considerations in regard to this application are the principle of the development, residential amenity, visual amenity, highways and concentration of students.

Principle of Development

44. Policy H9 of the City of Durham Local Plan states that proposals to extend or alter properties which are already an established HMO use class will be permitted provided that there is adequate parking, there is sufficient privacy and amenity areas for occupiers, the proposal would not adversely affect the amenities of nearby residents and the extension would be in scale and character with the host dwelling and surrounding area in compliance with Policy Q9. The various points within Policy H9 are covered in the relevant sections of the report below. The Interim Policy on Student Accommodation includes similar criteria. Subject to satisfactory consideration of the criteria, the proposed development will be considered to comply with Policy H9 and the Interim Policy, and thus be acceptable in principle.

45. The application site is a terraced property located on the west side of Neville's Cross Bank, Durham; the majority of the properties within the street have already been extended varying in style, scale and design. The principle of extending the properties within the area is therefore well established and the proposal is considered to be acceptable in principle in this context.

Impact upon residential amenity

46. In terms of the use of property 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, while Policy H9 relating to multiple occupation also seeks to provide such safeguards. In this regard there is an established use of the property for a small HMO for up to 6 people. The applicant is seeking to increase the number of bedrooms from 3 to 5 and therefore stays within the same C4 use class. However the property could reasonably be reverted back to a family C3 use should this be required in the future.

47. The proposed extension and amendment to the internal layout is to accommodate 2no additional bedrooms within the property. Concerns have been raised in regards to the room sizes being not adequate for students, however each room is over the recommended sizes in the HMO Regulations and therefore the standard of accommodation is considered acceptable in this instance and officers could not justify refusal on this basis.

48. The additional space created by the proposed extension and the reconfiguration of the existing layout has enabled the additional bedroom space to be created without having a detrimental impact on the shared amenity space available for existing and proposed occupiers. On this basis, it is considered that there would be adequate privacy and amenity space to serve each occupier of the property, in accordance with Policy H9 part 1.

49. Policy H9 part 2 states that proposals to extend or alter properties already within HMO use will be permitted provided that it will not adversely affect the amenities of nearby residents. In respect of the proposed extension and the impact upon the current levels of residential amenity it is considered that due to its location and the overall scale of the proposed development that the impact would not have any adverse impacts upon neighbouring occupiers and therefore would not be any residential amenity grounds for refusal of the application.

50. The extension has been designed with solid walls to the side elevations and as such the potential for overlooking at the site would be limited. In terms of overshadowing, it is acknowledged that there would be some overshadowing created to the property located to the north of the site in the afternoon. However there are a variety of projections to the existing extensions along the rear of Prospect Terrace, some similar to what is proposed here, and therefore it is considered an acceptable arrangement. There would be insufficient detrimental impact to justify refusal of planning permission for this reason alone.

51. The application site has been extended in the past with a two storey flat roofed extension which is not full width. It is proposed to infill the gap and project forward of the rear elevation of the existing extension with an overall projection from the existing rear elevation of the host dwelling by 4.6m and a projection from the rear of the existing extension by 2.1m resulting in a full width extension. The property to the north has also been extended in the past with a full width flat roofed extension, the proposed two storey element of the proposal would project past the rear build line of the neighbouring property's extension by 2.49m.

52. In relation to the neighbouring property to the south of the site, the single storey element of the proposed development incorporates a lean to roof line and is proposed to project past the rear build line of their existing extension by 0.8m which is not considered to create adverse impacts on the residential amenity of the neighbouring property.
53. In light of the above considerations and in accordance with Policies H9, H13 and Q9, officers do not consider that the extension would create a situation where the character or appearance of the area or the amenities of residents within them would be significantly compromised. The addition of two bedrooms to change from a 3 bedroom to 5 bedroom house in multiple occupation would involve an increase in the number of occupiers, and a corresponding increase in general activity and comings and goings. However, this is not considered to be at a level that would materially affect the residential character of this area or the amenities of immediate or nearby neighbours, particularly as the property is already operating as a HMO.

Impact upon visual amenity

54. Policy Q9 of the City of Durham Local Plan states that extensions are to appear subordinate to the host dwelling and incorporate pitched roofs wherever possible. The proposed extensions would generate an enlarged property but the increased density of development would not appear overly dominant or be out of character with the host dwelling, surrounding properties, streetscene or wider area, and is considered acceptable.
55. The proposed extension would be two storey and single storey in nature and it would appear subservient to the host property. The materials proposed are appropriate to the existing house, with rendered finish and Upvc windows and doors to match the existing property.
56. It is acknowledged that flat roofed extensions are generally discouraged, however a variety of properties along Prospect Terrace have already been extended in the past with both two storey and single storey flat roofed extensions, the application site included. Against this background, it would be considered unreasonable to refuse planning permission on design grounds.

Highways

57. In respect of highways issues, the Highways Authority have confirmed that they have no objections to the scheme. Concerns have been raised regarding the proposed development having an impact on on-street parking provision. It is acknowledged that the existing on street parking to the front of the property along the A690 stops short of no 11 Prospect Terrace, however the Highways officer is satisfied that the on street parking facilities are close enough to the site that anyone residing at no 11 Prospect Terrace is likely to use them if they have cause to do so and therefore the on street parking weighs in favour of the application.
58. It is not considered that the increase of 2no bedrooms would have a detrimental impact on the existing parking arrangements at the site enough to warrant refusal of the application.
59. Policy H9 part 1 states that adequate parking areas are to be provided or need to already be in existence. Given the location of the property and the comments from the Highways officer it is considered that there is adequate on street parking provision which is acceptable.

60. In this respect no concerns are raised in relation to highway matters at the site, and therefore it is considered that the proposals comply with saved policies H9, T1 and T10 of the City of Durham Local Plan.

Concentration of Students

61. The site is located in an area where the concentration of properties within 100 metres of the site that are occupied as houses in multiple occupation is 19.3%. The house is currently let as a student property already, and the extension will continue the occupation of this property as a student dwelling. Accordingly, the concentration of HMOs remains unaltered by the current proposal. In any event the proposed increase in occupation is considered to be relatively small and would not change the character of the usage or the amenity impacts to a significant degree.

The Interim Policy on student accommodation concentrates on and assess the change in % student occupation within a 100 metre radius. As such this interim policy does not restrict existing student houses from expanding providing there is sufficient amenity space for bin storage etc. In this case the alteration to the property leaves the required space for bin storage/residential amenity within the rear yard area of the property.

62. Environmental health (noise) have raised no objection to the additional bedrooms.

CONCLUSION

63. In conclusion it is considered that the proposed development due to its location and overall built form would have a limited impact upon the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity, it is considered that the proposed development would not have any significant adverse impacts to warrant refusal.

64. The change of use from residential dwelling to operation as a small HMO has already been implemented and the creation of an additional two bedrooms would still fall within the small HMO use class. Given the minimal changes to the property and the small increase in occupancy levels, it is considered that the proposals are acceptable and comply with the relevant Saved Policies of the Local Plan and the Interim Policy on student accommodation.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

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

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

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

Location plan Proposed plan & elevations	M14 L(2-)02 Rev A	05/06/18 17/08/18
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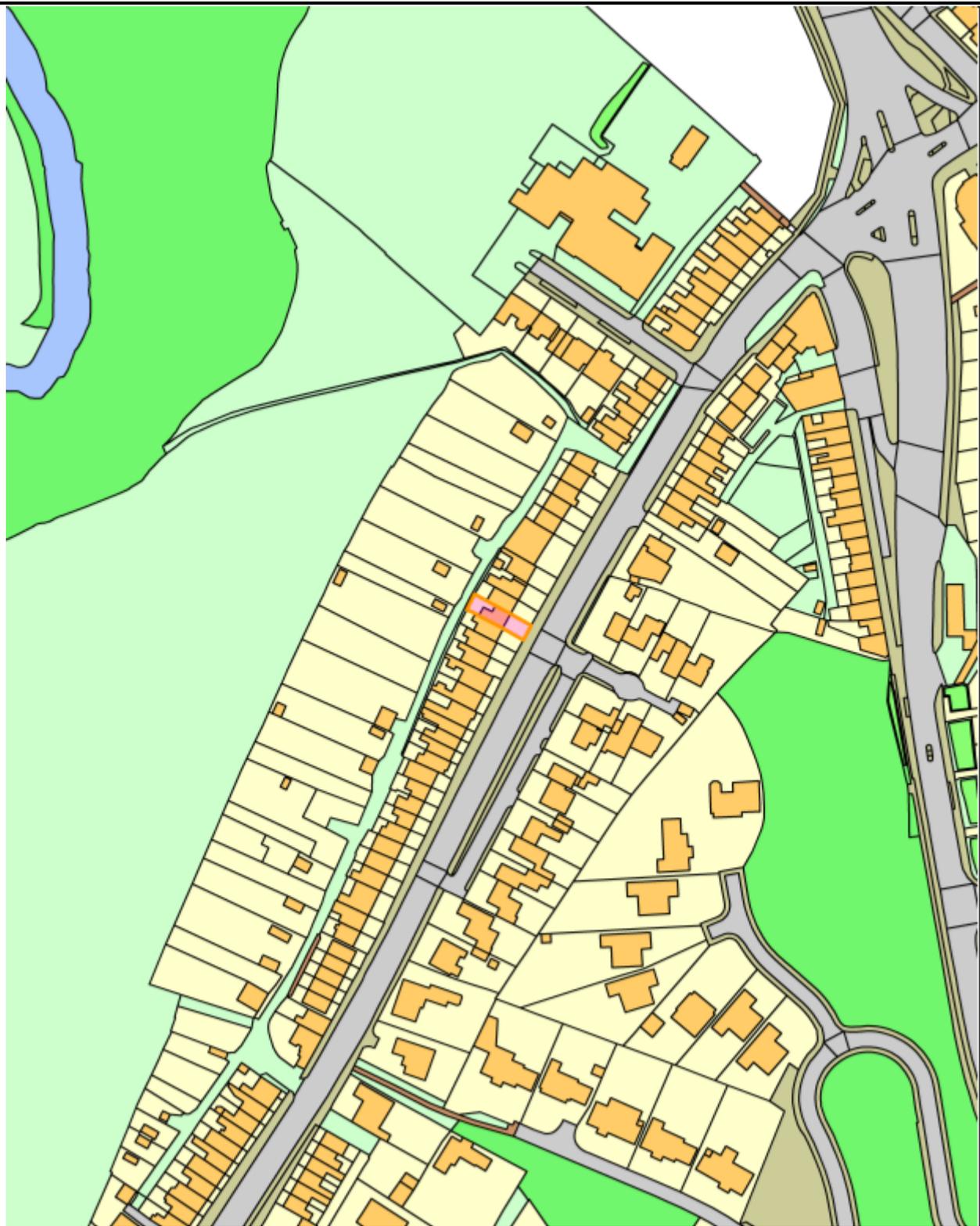
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H9, H13, Q1 and Q9 of the City of Durham Local Plan.

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 Forms and Plans.
- Durham City Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



Planning Services

Two storey, single storey rear extensions and internal alterations to provide 2no. additional bedrooms to an existing C4 (small HMO) at 11 Prospect Terrace, Nevilles Cross, Durham, DH1 4JH

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Comments

Date. 11 September 2018 | Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01043/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing residential dwelling and construction of four residential dwellings
NAME OF APPLICANT:	Mr Martin Hawthorne, Bright Ideas Development Ltd
ADDRESS:	Garden Villa, Newcastle Road, Crossgate Moor, Durham DH1 4AG
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a parcel of land approximately 0.14 hectares in area situated within the residential framework of Durham City adjacent to the A167. It currently hosts a single two storey dwelling known as Garden Villa which is a large detached property served by considerable private curtilage including gardens and an area of hardstand
2. Access is taken via Newcastle Road from the A167 and the site is framed by residential properties to the south and east, by the A167 to the west and Durham Johnston School and associated playing fields to the north. Planning permission was granted for a development of 3 dwellings in a small paddock to the west of the site in 2016 and whilst construction works have yet to commence it is noted that several pre commencement conditions have recently been discharged.

The Proposal

3. Planning permission is sought for the demolition of the existing dwelling and the construction of 4 No. dwellings across the site on land at Garden Villa, Durham. The proposed dwellings would comprise a short row of 3, 2 ½ storey properties (with habitable space within the roof void) that would present principal elevations to the south. A fourth detached property would occupy the northern half of the site, present a principal elevation to the south east and also provide habitable space within the roof void.
4. The 3 units to the south of the site would provide 3 bedrooms with the detached dwelling to the north providing 4 bedrooms and be of 2 ½ storey height. The properties would be of contemporary design with external surfaces finished in a mix of white and off white render supplemented by timber cladding to the walls and dark grey roof tiles.

5. Landscaping would be limited to shrub and tree planting to the southern elevations of the 3 properties to the south of the site which it is noted would have an open aspect to the front gardens
6. The application is being reported to the planning committee at the request of Cllr Elizabeth Brown who considers the access and egress arrangements to be such that there is significant potential for the development to exacerbate existing parking and highway safety issues with the proposals amounting to the overdevelopment of the site.

PLANNING HISTORY

7. A Planning application was previously submitted for the demolition of Garden Villa and the construction of 5 dwellings at the site in 2017 but was subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
11. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
12. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
13. *NPPF Part 9 Promoting Sustainable Transport:* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

14. *NPPF Part 12 Achieving Well Designed Places*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
16. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

City of Durham Local Plan

17. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
18. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
19. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
20. Policy E24: Ancient Monuments and Archaeological Remains states that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ.
21. Policy H2: New Housing in Durham City. States that new housing development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City where the is included in Policy H1 or that the proposal does not contravene policies E3, E5 and E6 of the CofDLP, and is not allocated or safeguarded for alternative uses and the development accords with policies Q8, R2, T10 and U8A.
22. 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.

23. 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.
24. 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.
25. Policy Q1: General Principles – Designing for People states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
26. Policy Q2: General Principles – Designing for Accessibility states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.
27. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
28. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
29. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
30. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
31. Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
32. Policy U13 (Development on Unstable Land) notes that development on unstable land will only be permitted if it is proven that there is no risk of the development or its intended occupiers from such instability or that satisfactory remedial measures can be undertaken.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

33. Paragraph 213 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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:

34. Highway Authority has no objection to the application but notes concern about the location of one of the proposed visitor parking spaces which is off highway in the rear garden of plot 3 and as such is unlikely to be used by visitors to plots 1-3, and as such there is potential that parking would occur in the access lane as a result. However, the Highway Authority do not consider these concerns to be sufficient to sustain refusal of the application.
35. Consequently, no objection is offered to the application subject to the inclusion of planning conditions requiring the submission and agreement of details relating to the upgraded of the rear lane of Neville Terrace which should include appropriate street lighting, an access restriction to be secured through designation as a one way system taking the access from Newcastle Road to Redhill's Lane through a Traffic Regulation Order, and that this be implemented prior to the commencement of development along with the submission and agreement of a construction management plan.
36. NWL has no objection to the application noting only that NWL promotes sustainable surface water management across the region and that the developer should develop their Surface Water Drainage Solution by working through the hierarchy of preference.
37. Drainage and Coastal Protection Section has no objection to the application but notes a requirement to apply the hierarchy of preference when disposing of surface water generated by the development.
38. Coal Authority originally objected to the application due to the lack of a Coal Mining Risk Assessment to adequately consider the risk posed from previous mine workings. The applicant has subsequently submitted a Coal Mining Risk Assessment which proposed foundation designs. The Coal Authority considers these measures to be sufficient to mitigate the risks posed by coal mining legacy and withdraws its objection subject to the inclusion of a planning condition which ensures the proposal be carried out in accordance with the stated detail.

INTERNAL CONSULTEE RESPONSES:

39. Noise Action Team has no objection to the application subject to the inclusion of planning conditions to control the environmental impact of the development during the construction phase, hours of working and that noise mitigation measures are incorporated into the development to ensure that the following levels are achieved;

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

40. Contaminated Land Section has no objections to the application subject to the inclusion of a planning condition which requires the submission and agreement of a risk assessment for land contamination, intrusive site investigations, remediation and verification where need is identified.
41. Landscape Section has no objection to the application noting that the development would not have any adverse landscape impacts.
42. Ecology Section has no objection to the application subject to the mitigation requirements stated in Section 7 of the submitted Ecological Assessment
43. Archaeology Section has no objection to the application subject to the inclusion of a planning condition requiring the implementation of a programme of archaeological work approved in writing by the Local Planning Authority. A further condition is advised requiring the recording of the programme of works within the County Durham Historic Environment record.

NON STATUTORY RESPONSES:

44. The City of Durham Trust objects to the application which they consider represents over-development, has parking and traffic problems, and includes a large 'focus dwelling' which occupies a disproportionately large part of the entire site.

PUBLIC RESPONSES:

45. The application has been publicised by way of site notice and notification letters to neighbouring properties. Eight letters of objection have been received. The reasons for objection are summarised as;

a) Highway Safety:

Parking

The development would exacerbate parking problems already present within the locale which includes a lack of sufficient parking provision for existing properties made worse by existing demand from students arriving at Durham Johnston School and parking in surrounding streets. Concern regarding the position of one of the visitor parking space which partially encroaches into the rear lane. Parking also takes place under the existing footbridge which would restrict access into the site.

Increase in Traffic Movements

The development would increase traffic volume in the locality, in particular causing vehicles turning into the site to reduce speeds and thereby increasing congestion on the A167 which is already heavily congested, to the detriment of highway safety. The proximity of a nearby access serving and adjacent residential development which benefits from an extant planning permission is also noted as a concern.

Creation of a route avoiding existing traffic lights

The connection of the A167 to the rear of Neville Terrace would create a route whereby the traffic lights at the junction of the A167 and Redhills Lane could be avoided. This would create a volume and speed of vehicles to the rear lane of Neville Terrace that would have a detrimental impact upon highway and pedestrian safety for residents of this terrace. There is also concerns that the one way system could not be appropriately enforced or traffic flows managed to the detriment of highway safety and that the width of the access from the Newcastle Road is not adequate.

- b) Residential Amenity: The development would result in an unacceptable level of overlooking and loss of privacy to adjacent dwellings which although not constructed are nevertheless subject to planning permission capable of implementation. Particularly concern that the minimum distances prescribed by policy Q8 of the City of Durham Local Plan would not be achieved.
- c) Bin/Refuse Collection: The new development could not be easily accessed by refuse collection services given the likely parking congestion caused by the development.
- d) Drainage: The proposal would create additional surface water run-off from proposed areas of additional hardstanding and concern is also raised with regard to the capacity of the existing sewer to accommodate additional flows.
- e) Land Ownership: Part of the rear lane to Neville Terrace is unclear and no details have been provided with regard to the maintenance of this route should planning permission be granted and no details as to the responsibilities for ongoing maintenance should planning permission be granted.

APPLICANTS STATEMENT:

46. The proposed scheme is to create four modern family homes in an area of Durham that is in great need of more family housing. The proposal also includes the demolition of the existing Garden Villa house to make room for the new housing which is now a dated property struggling to be sold. The applicant has made great efforts to design a scheme that meets the housing needs of the area by creating three and four bedroom family houses with private garden spaces rather than any other form of housing or accommodation.

This is particularly relevant when the proximity to the Durham Johnston School is considered, as more family housing of this size is required in this area. There has been a great amount of effort put into the design of the scheme to ensure that the houses and landscaping created will enhance the local area by their appearance, style and materials used.

The applicant has gone well beyond the 'average' to ensure the proposal has modern housing that the city of Durham and the new owners can be proud of.

In addition the applicant has worked tirelessly with the local authority planning department and associated departments such as highways as well as the many professionals he has employed to design and advise on the scheme. Together they have worked as a team to alter the design and layout where appropriate, and have fine tuned the scheme over many months to ensure the scheme is one that not only complies with legislation but also integrates with the surrounding housing and actually improves the local area.

Overall the applicant feels this is an exciting development that will help define the standards of new housing within this area in the future.

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

47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, locational sustainability of the site, highway safety, ecology, impact upon residential amenity, landscape and visual impact, drainage and land contamination and stability.

Principle of Development

48. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The City of Durham Local Plan (CofDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that to the weight to be afforded to existing Local Plan policies will depend upon their degree of consistency with the NPPF.
49. The CofDLP was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date or is time expired.
50. On this basis given the age of the CofDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date. As such the weight to be afforded to these policies is reduced as a result and paragraph 11 of the NPPF is also engaged. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor is it prescribed how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.
51. Policy H2 of the local plan supports the provision of new housing within the settlement boundary providing it accords with other policies within the plan and that the development is on previously developed land. In this case the development is partly on previously developed land - as it would occupy part of the site on which an existing dwelling is located – but also relates to an area of garden, classed as greenfield land. The development is therefore not in complete compliance with Policy H2.
52. However, the NPPF which takes a more permissive approach to development on greenfield land and does not require such a sequential approach. In addition policy H2 is a settlement boundary policy which is informed by what is now an out of date evidence base, hence it can be considered to be an out of date policy for the purposes of engagement of paragraph 11 of the NPPF. Accordingly, only limited weight should be afforded to this policy.

53. Consequently, the application must be determined in accordance with Paragraph 11 of the NPPF.
54. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
55. There are no policies which protect areas or assets of particular importance which provide a clear reason for refusal and accordingly, the acceptability of the development rests on the planning balance of whether any adverse impact of approving the development would significantly and demonstrably outweigh the benefits.

Five year Housing Land Supply

56. Paragraph 67 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
57. In September 2017, the Government published a consultation document entitled *"Planning for the Right Homes in the Right Places"*, which introduced a standard methodology for calculating housing need (OAN) which is now also reflected in paragraph 60 of the NPPF. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
58. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
59. Accordingly, the benefit of boosting housing land supply will need to be factored into the planning balance, whilst recognising that the benefits of delivering new housing would be less than if a shortfall in supply existed.

Locational Sustainability of the Site

60. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
61. In this respect the application site is situated within Durham City and is well related to a wide variety of shops, services, education and employment opportunities and immediately adjacent to a site previously granted planning permission for residential development in 2016. As such, the provision of 4 additional dwellings within this well-established residential area, close to existing facilities could be supported in principle subject to assessment against other local plan policies and material planning considerations.

Impact upon Residential Amenity

62. Policy Q8 of the CofDLP provides detailed design advice for new residential development and policy H13 states that planning permission will not be granted for new development which would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them. The former prescribes separation distances of 21 metres between windows of habitable rooms and 13 metres between gable elevations and windows to habitable rooms. These policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF which states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 11 of the NPPF seeks to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution and noise.
63. The application represents the resubmission of a previously withdrawn application for the erection of 5 dwellings at the site which sees a reduction in the number of units from 5 to 4. This has allowed the revised proposal to achieve the minimum separation distances described in policy Q8 within the development itself most notably through the reorientation of the southern properties and the single detached dwelling to the north.
64. With regard to the proposed development to the west, as referred to in Paragraph 2 above, it is noted that a window positioned in the gable elevation of the proposed dwelling to the north of the application site, Plot 4, would be situated below the minimum separation distances from the proposed adjacent property as required by policy Q8 of the CofDLP at 15 metres, rather than 21 metres. This, along with separation distances between several other windows of both this property and the three dwellings across the southern part of the site are raised in objection by the owner of the adjacent site, citing a loss of privacy between windows and from overlooking of external private amenity areas.
65. However, it is noted that in all case the windows identified are not positioned in elevations which directly face one another and in this respect views would not be direct and limited as a result. Those views at ground floor between the window to the gable of plot 4 and the single dwelling to the west would also not be direct and screened by boundary treatment. Whilst there would be some adverse impact, this would be focussed on the proposed dwelling, with impact to the dwelling which already benefits from planning permission to the west considered within acceptable levels. Other windows in the rear elevation of the proposed adjacent property are not considered to be adversely affected due to the orientation and relationship of the proposed dwellings. Overall, any potential adverse amenity impacts are considered minimal and not sufficiently serious to justify refusal of planning permission.

66. The nearest residential properties to the east at Neville Terrace would have rear elevations with windows to habitable rooms approximately 12.5 metres from the gable elevations of the proposed property at Plot 3, which is marginally below the 13 metres required by text supporting policy Q8 of the CoDLP. However, this is not considered to have an unacceptable adverse impact upon residential amenity of the occupiers of these units in terms of overbearing, overshadowing or loss of privacy.
67. Whilst the development would have some adverse impact to existing properties in this regard in terms of rear outlook, this is not considered to be so significant as to sustain refusal of the application, which would otherwise accord with aims of policy Q8 of the City of Durham Local Plan.
68. With regard to private amenity space it is considered that all 4 properties would incorporate adequate private external space to serve the size and type of dwellings proposed.
69. With regard to noise it is noted that the dwellings would be located approximately 30 metres from the A167 road which is one of the main vehicular routes through Durham and is well trafficked as a result. Therefore, the occupiers of the proposed dwellings could be impacted by road noise.
70. Paragraph 180 of the NPPF requires that planning decisions avoid noise from development giving rise to significant adverse impacts on health and quality of life; and mitigate and reduce to a minimum other adverse impacts through the use of conditions.
71. Consequently, the Council's Environmental Health Section offers no objection to the application subject to the inclusion of planning conditions which require the applicant to demonstrate that appropriate sound insulation measures have been installed to ensure that recommended internal and external noise levels can be achieved, the restriction of working hours and the suppression of noise and dust during the construction phase.
72. Overall, it is considered that the scheme would comply with CofDLP Policy Q8 and Part 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents.

Design and Visual Appraisal

73. The application site is framed by residential development to the south and east and is set back approximately 30 metres from the A167, to the rear of a site which benefits from planning permission for the erection of 3 dwellings comprising one detached unit and a pair of semi-detached units.
74. The City of Durham Trust raise objection to the application which it considers represents the overdevelopment of the site and the inclusion of a large detached property covering much of the site.
75. Policy H13 of the Local Plan is relevant in determination of the application and states that planning permission will not be granted for new development which has a significant adverse effect on the character or appearance of residential areas. This displays a broad level of accord with the approach contained within Parts 12 and 15 of the NPPF which seek to promote good design while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to its compliance with the NPPF significant weight can be afforded to Policy H13 of the CofDLP in this respect.

76. In this regard it is noted that the proposal would not appear prominent from the A167 with only fleeting views available when travelling northbound, and although more exposed views are possible when approaching from the south, these would be partially screened by the 3 properties when the adjacent site is fully developed. As such the Council's Landscape Section has no objection from a landscape impact perspective.
77. With regard to design it is noted that this displays a contemporary approach which residents feel is not in keeping with the more traditional terraced character of surrounding development. However, it is considered the scale and layout of the proposal would not detract from the built form in the surrounding area and that the development would be set back from the most public vantage point at the A167. In this context the application of a more contemporary approach is considered acceptable and the use of external materials including render and timber cladding appropriate. However, it is noted that the submission and agreement of sample materials in this regard could be secured through planning condition, as should the submission and agreement of precise means of enclosure and landscaping plan.
78. Overall, subject to the inclusion of a planning condition in this regard, the proposal is considered to accord with the requirements of policy H13 and Parts 12 and paragraph 127 of the NPPF.

Parking, Access and Highway Safety

79. The development proposes the use of an existing access from Newcastle Road and the A167 to the west along with the implementation of a one way system taking vehicles away from the site via the rear Lane of Neville Terrace connecting to Redhills Lane. The applicant has proposed a number of improvements to this section of road including resurfacing and installation of street lighting.
80. Policy T1 and T10 of the City of Durham Local Plan require new development to provide safe and secure access and sufficient parking provision respectively. This is considered to display a broad level of accord with the aims of the NPPF at paragraph 108 of the NPPF.
81. Several residents and the City of Durham Trust have raised objection to the application citing an adverse impact upon highway safety as a concern, particularly the likely use of the route as a means of avoiding the traffic lights at the junction of the A167 and Redhills Lane, the potential conflict between vehicles and pedestrians along this route, and the impact of slow moving vehicles into the site from the A167, noting in particular that a speed survey has been undertaken along this part of the A167. They have also raised concerns regarding the amount of car parking included within the development and the impact of the proposal upon demand for parking in the wider area which is already an issue.
82. In addition, objection is raised by occupiers of properties at Neville Terrace citing land ownership concerns relating to the rear lane, in particular the applicant's ability to undertake the works required to upgrade this route and querying responsibility for ongoing maintenance should planning permission be granted. Similarly, these concerns are also raised should improvements be required to the existing access from Newcastle Road which is understood to be in third party ownership and over which the application site is understood to benefit from a right of access.
83. Disputes with regard to land ownership and rights of access and responsibilities pertaining to maintenance are civil matters between those parties involved and not material considerations in determination of planning application to which any weight can be attached and the planning system is not the arbitrator of any disputes in this regard.

84. With regard to the rear lane behind Neville Terrace it is understood that this is unregistered. Government guidance regarding the use of planning conditions states that works to land not controlled by the applicant can be required using a negatively worded planning condition which prohibits the development authorised by the planning permission from taking place, until such time as agreement to undertake the works specified (in this case improvements to the site access and rear lane) has been secured. The guidance also states that such conditions should not be imposed if there are no prospects of the actions being undertaken within the lifetime of the planning permission. Whilst some of the access land appears to be in third party ownership, it is considered that sufficient improvement works could be achieved outside of this land to satisfy highway requirements. On this basis, there is no reason to suggest the required works could not be completed.
85. Consequently, it is considered that the application is supported by sufficient information to allow an appropriate consideration of its likely impact in accordance with the requirements of policies T1 and T10 of the CofDLP.
86. The Highway Authority has commented and although noting concerns regarding the position and likely underuse of a visitor space to the north of the site, raises no objection to the application noting that in relation to parking the development would meet the Council's Parking Standards and that subject to the upgrade works would provide safe and adequate means of access. Notwithstanding this a number of conditions are advised, these requiring the submission and agreement of details relating to the upgrading of the vehicular areas within the site including installation of appropriate street lighting, that no vehicles leave the site directly onto the A167 (to be secured through the implementation of a one way system subject of a Traffic Regulation Order) with access taken from Newcastle Road and the submission of a construction management plan.
87. Objection has also been raised by residents with regard to bin storage and collection. In this regard submitted plans show an area for bin storage serving the 3 southernmost dwellings positioned to the south west corner of the site and a separate arrangement to the north for plot No. 4. The Highway Authority has been consulted on the proposal and raises no objection to this arrangement which is considered adequate.
88. Subject to the inclusion of planning conditions as stated the development is considered to accord with the requirements of policies T1 and T10 of the CofDLP and paragraph 108 of the NPPF in that it would provide adequate means of access and sufficient parking provision.

Ecology

89. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System). In addition under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. The Conservation of Habitats and Species Regulations require local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England if one is likely to be required.

90. Paragraph 170 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 175 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for.
91. The development requires the demolition of an existing detached dwelling and as such there is a requirement for the application to be supported by an appropriate assessment of the impact of the development upon protected species, in particular bats. Whilst the application was not originally supported by a Bat Risk Assessment it is noted that a full bat risk assessment has since been submitted in support of the application which includes appropriate surveys, undertaken by an appropriately qualified Ecologist, which found no evidence of bats using the existing building and therefore concludes that the risk to bats is low. It does however advise some mitigation in the form of a minimum of 2 bat bricks incorporated into the proposal.
92. The Council's Ecologist has been consulted on the submitted information and raises no objection to the application subject to the inclusion of a planning condition to ensure the development is carried out in accordance with the mitigation proposed in the submitted Preliminary Ecology Appraisal. Subject to the of a planning condition in this regard it is considered that the proposal would not have an unacceptable impact upon protected species and biodiversity in accordance with Part 15 of the NPPF. As there will not be any interference with a EPS, there is no need to consider the prospects of obtaining a licence.

Drainage

93. Policy U8A of the CofDLP states that development proposals will only be approved if they include satisfactory arrangement for disposing of foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
94. Residents have raised concerns regarding the impact of surface water run-off from the proposal and the ability of the existing sewer to accommodate additional flows generated by the development.
95. Notwithstanding these concerns the Council's Drainage and Coastal Protection Section have been consulted and raise no objection to the application which is considered to accord with the requirements of policy U8A of the CofDLP subject to the inclusion of a planning condition requiring the submission and agreement of precise detail of the means of disposal of foul and surface water can prior to the commencement of development.

Contaminated Land, Land Stability and Archaeology

96. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
97. It is noted that the site currently hosts a single dwelling and the Council's Contaminated Land Section has no objection to the application subject to the inclusion of a planning condition requiring a contaminated land risk assessment and intrusive site investigations, remediation and verification where a need is identified.

98. With regard to land stability and previous mine workings it is noted that the site lies within an area at high risk of previous workings as identified by the Coal Authority and a Coal Mining Risk Assessment did not accompany the original submission. Whilst this initially attracted objection from the Coal Authority as a result, a full risk assessment has since been provided in this regard which proposed foundation design. The Coal Authority has subsequently withdrawn their objection subject to the inclusion of a planning condition to ensure that the development is carried out in accordance with the stated foundation design. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the requirements of paragraph 178 of the NPPF and policy U13 of the CofDLP.
99. In relation to archaeology it is noted that this area lies within the suspected area of the battle of Nevilles cross and as such it is possible that finds or remains relating to this battle could be encountered. Consequently, the Council's Archaeology Section raises no objection to the application subject to the inclusion of a planning condition requiring the implementation of a programme of archaeological work to be approved in writing by the Local Planning Authority and the results be recorded within the County Durham Historic Environment record. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the requirements of policy E24 of the CofDLP and paragraphs 197 and 199 of the NPPF.

Planning Balance

100. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 of the NPPF.

Benefits

101. The application site is within a highly sustainable location within close walking distance to shops, services and public facilities. The principle of residential development in this location is considered acceptable and in accordance with the sustainable aims of the NPPF.
102. The development would provide some benefit in terms of providing a boost to housing supply although this could be considered limited at 4 dwellings, particularly in the context that the Council is currently able to demonstrate a 5 year supply of housing land and less weight should be afforded to the benefits of delivering new housing than would be the case if a shortfall in supply existed.
103. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

Adverse Impacts

104. Whilst the development would have some adverse impact in that it would alter the outlook for those occupiers of properties at Neville Terrace, any impact in this regard would likely be limited.

CONCLUSION

105. As the relevant CofDLP policies are considered to be out of date, the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 11 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole or specific policies indicate development should be restricted.
106. In this instance, it is accepted that there would be some adverse impact as a result of the development, primarily centring around the impact on neighbouring residents. However, as identified in the planning assessment, the impacts would not significantly and demonstrably outweigh the benefits associated with additional family dwellings within the area. Accordingly, planning permission should be granted.
107. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised by local residents have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

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

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

Drawing No.	Description	Date Received
	Location Plan	06/04/2018
P100-02 (REV E)	Proposed Site Plan	06/04/2018
J240-P50-01 (REV B)	VARIOUS 3 BED HOUSE PLANS	29/05/2018
P51-01 (REV C)	VARIOUS 4 BED HOUSE PLANS	29/05/2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained and to meet the objectives of saved Policies Q1 and Q2 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To protect the character and appearance of the surrounding area in accordance with the requirements of Policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

4. No development shall commence until details of all means of enclosure have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In the interest of visual amenity in accordance with the requirements of policies H13 of the City of Durham Local Plan.

5. No development shall commence until such time as a scheme for the upgrading of the lane to the rear of Neville Terrace, site access from Newcastle Road and vehicle areas within the development site, as identified on Approved Drawing No. P100-02 (REV E) entitled Proposed Site Plan received 06 April 2018 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the installation of street lighting, appropriate resurfacing and the imposition of a one way system of access from Newcastle Road through a Traffic Regulation Order. Thereafter the development shall be carried out in accordance with the approved details and completed prior to the first occupation of any of the dwellings hereby approved.

Reason: To protect highway safety in accordance with the requirements of policies T1 and T10 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

6. No development shall commence until such time as a scheme detailing the noise attenuation measures to be incorporated into the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall achieve the following noise levels;

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

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

Reason: To protect the amenity of future occupiers in terms of the impact from road noise in accordance with the aims of policy H13 of the CofDLP and Part 15 of the NPPF.

7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 - An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of delivery and parking operations. The management strategy shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations. The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

8. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies E14 and H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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

Replacements will be subject to the same conditions.

Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies E14 and H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

10. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required. Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15.

11. The development hereby approved shall only be carried out in accordance foundation details stated in the letter from Ian Nicholson of Solmek Ltd dated 30 July 2018 and comprise the use of raft foundations where coal workings are believed to be present at depths greater than 100mbgl .

Reason: In the interest of land stability and to ensure that the land is suitable for the proposed use in accordance with the requirements of policy U13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007 and part 15 of the NPPF.

12. No development shall take place unless in accordance with section 7 (Ecological Constraints and Opportunities) of the Preliminary Ecological Appraisal Report All About Trees dated August 2018.

Reason: In the interests of preserving protected species in accordance with Part 15 of the NPPF.

13. No development shall commence until such time as a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Part 14 of the National Planning Policy Framework

14. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

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

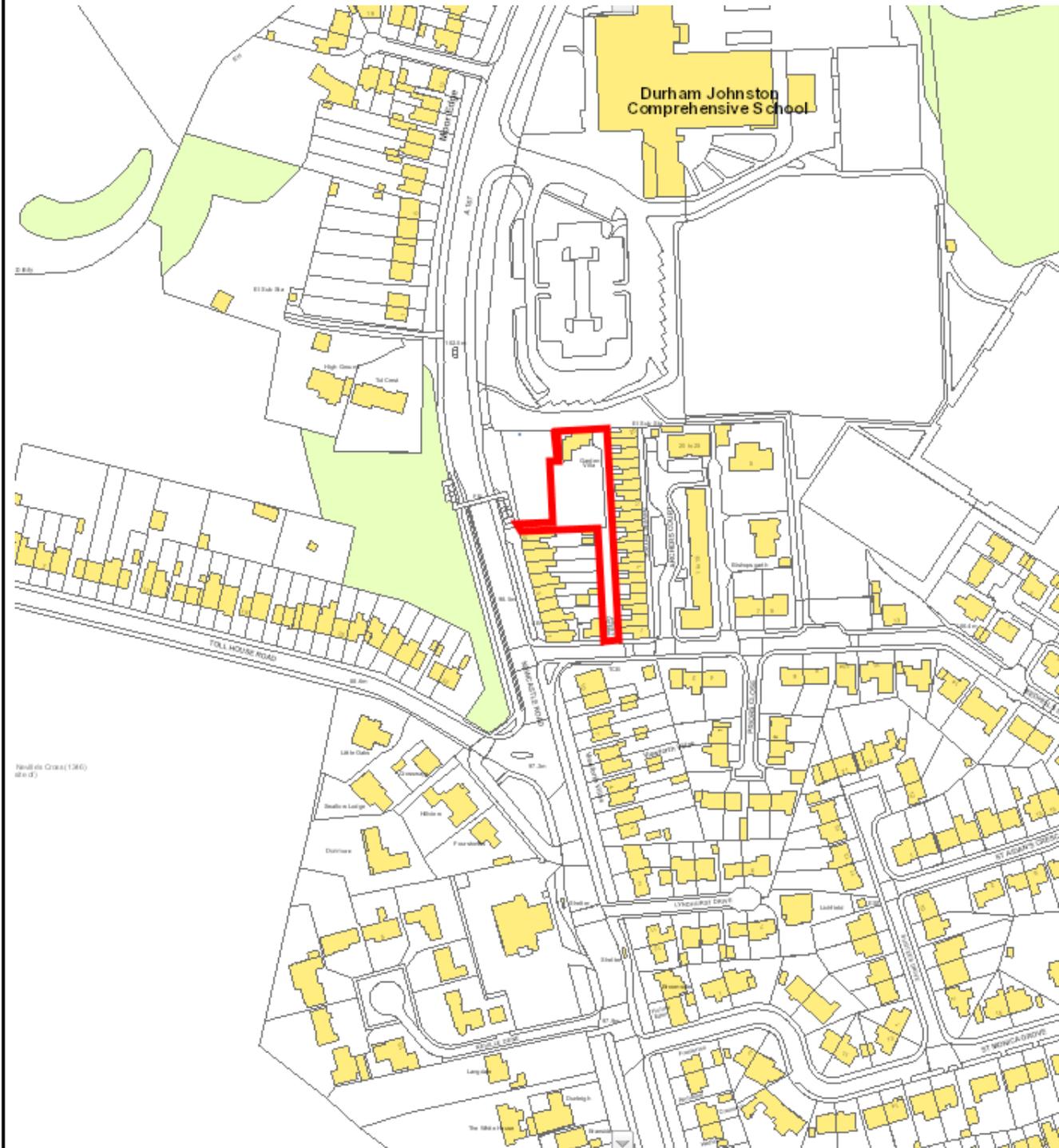
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Erection of Detached 4 No Dwellings

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Comments

Date 11 September 2018

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01731/FPA
FULL APPLICATION DESCRIPTION:	Change of use from C3 (dwellinghouse) and C1 (Hotel) retaining the existing C3 use across the remainder of the property
NAME OF APPLICANT:	Mr and Mrs Dunn
ADDRESS:	Ingleside, Winney Hill, Durham DH1 3BE
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an existing C3 (dwellinghouse) at Ingleside, Winney Hill, Durham. The property is a large two storey dwelling comprising 4 reception rooms, a kitchen, utility, bedroom and integrated garage to the ground floor and 3 bedrooms and bathroom to the first floor. It is located in a predominantly residential area on the outskirts of Durham City but within the Conservation Area and is served by a private drive and garden to the principal elevation with larger garden to the rear.

The Proposal

2. This application seeks planning permission for a partial change of use from C3 (dwellinghouse) to C1 (hotel) which would retain the existing C3 (dwellinghouse) use across the remaining part of the property. Whilst information supporting the applicant refers to both a C1 use and holiday let accommodation, the proposed use is considered to fall within Class C1 of the Town and Country Planning (Use Classes) Order 1987 as amended amounting to a material change of use for which planning permission is required.
3. All works would be internal and involve conversion of the existing family room to the ground floor from reception room to bedroom with ensuite, which would allow the 4 remaining bedrooms dispersed across the ground and first floors to be offered for let independently. The C3 part of the property would remain as the applicant's family home and allow them to be on site for management purposes.
4. The applicant has advised that the 4 bedroom would be offered predominantly for short term let (typically 1 – 3 nights) but does not exclude the possibility that longer letting periods could be agreed should demand occur. The lettings would not include any shared facilities other than a wc/bathroom and there would not be any bed and breakfast provision or other hot food provision included within the letting.

5. This application is being reported to Planning Committee at the request of Cllr Freeman who considers the nature of the proposal to be such that the potential impact upon the residential character of the area given it appears to amount to student accommodation.

PLANNING HISTORY

6. There is no planning history relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
11. *NPPF Part 8 Promoting Healthy Communities:* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
12. *NPPF Part 9 Promoting Sustainable Transport:* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 12 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.
14. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

City of Durham Local Plan

15. Policy V6 (Within Settlement Boundaries - Visitor Accommodation) states that planning permission would be granted for new visitor accommodation or extensions to existing visitor accommodation within the boundary of settlement limits provided that the development is appropriate to the scale and character of the area.
16. Policy E6 (Durham City Conservation Area) states the special character and appearance of the Durham City Conservation Area will be preserved or enhanced.
17. 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.
18. 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.
19. Policy T10 (Parking) states that vehicle parking off the public highway in a new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land take of development.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

20. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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:

21. *Highway Authority* offers no objection to the application.

NON STATUTORY RESPONSES:

22. *Whinney Hill Residents Group* provides some background to the application property and the surrounding locality noting that it is the only large detached property in the area which is characterised by both student let HMOs and family homes. They understand the property was advertised for sale in July 2016 at a price of £650,000 which *Whinney Hill Residents Group* consider to be highly inflated in order to justify consideration of alternative uses.

23. By allowing the property to be re-classified from C3 (dwelling house) to C1 (holiday let) even with existing C3 use across the remainder of the property *Whinney Hill residents Group* consider this will inevitably lead to the loss of a large family house, unique to the street and local area, and its removal from an already dwindling housing stock within the city centre would have an adverse impact upon the area's ability to attract family buyers back into the City.

INTERNAL CONSULTEE RESPONSES:

24. *Noise Action Section* does not raise any objection to the application.

PUBLIC RESPONSES:

25. Cllr Freeman in calling the application to planning committee noting a concern that the proposed change of use has been presented in this way in an attempt to circumvent the restrictions and control placed on HMO accommodation in the city centre through the previous Article 4 Notice.

26. The application has been publicised by way of site notice, press notice and individual notification letters to adjacent properties to which no representations have been received.

APPLICANTS STATEMENT:

27. The rooms will be individually let on a short-term basis, the only shared facilities will be the wc/bathroom. A typical let is expected to be 1-3 nights, sometimes extending to a number of weeks if the guest requires.

There will be no bed and breakfast facility, as the house will remain as a home to the client. There is no proposal for any kind of student facility. It is the aim of the lets to provide for the much-needed rooms for visitors/lecturers/tourists; to provide a room with no parking or other service. The dwelling has 2 parking spaces which are currently used by the family.

The client can then decide whether to let a room or rooms on an individual basis. The email sent from the *Whinney Hill Community Group*, which has no name, address or signature, contradicts all of the above and appears to state that a family home should not have lettable rooms. It is only fair that if a homeowner wishes to let certain rooms to guests in the manner described that this should be considered by submitting a planning application to be considered properly and fairly. That is what we have done.

The unknown author of the email appears not to understand that in submitting this application we must adhere to the approval and conditions. To clarify, if the applicant wanted to submit an application for the house to become an HMO or student rental then that application would have been made. That is not what the applicant is seeking.

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/PA>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon residential amenity, the character and appearance of the surrounding conservation area and highway safety.

The principle of development

29. The application seeks planning permission for the partial conversion of the existing dwelling from a use falling within Class C3 dwellinghouse to hotel accommodation falling within Class C1 of the Town and Country Planning (Use Classes) Order in the form of 4 individual let bedrooms. This amounts to a material change of use for which it has already been noted planning permission is required.

30. Policy V6 of the City of Durham Local Plan is therefore relevant, relating to new visitor accommodation within the boundary of existing settlements and states that development will be granted planning permission in this regard providing that it is appropriate to the scale and character of the area and where such a proposal does not conflict with other policies contained within the plan. Despite its application of settlement limits policy V6 is considered up to date and accords with the general aims of the NPPF and its key aims of promoting sustainable development and actively managing patterns of growth.

31. In this respect it is noted that the property is located within the settlement limits of Durham City and as such it is well connected to a wide variety of shops, services, employment and education opportunities and public transport links to the wider area. In this regard it is considered to occupy a sustainable location and can draw some support from the NPPF in this regard.

32. Whinney Hill Residents Group object to the application citing concerns that the proposal has been presented as a change of use to individually let bedrooms solely in order to circumvent restrictions imposed by the recent Article 4 Direction which places additional controls on changes of use from C3 (Dwellinghouses) to C4 (Houses in Multiple Occupation). The group considers that the bedrooms would be occupied by students and that had the application been submitted as a change of use to HMO, this would not be supported as it is likely that the number of student lets within the locality would exceed the 10% threshold stated in the Council's interim student policy. Concern is also raised that the proposal would result in the loss of a family home and have the effect of further unbalancing the population mix of this part of the city.

33. To address these concerns the applicant has provided additional information with regard to the precise nature of the use confirming that the rooms would be predominantly let on a short term basis (usually 1-3 nights) although the ability to let the rooms for a longer term is not excluded should there be demand. The applicant also confirms that there is no intention to accommodate students, that shared facilities would be limited to a wc/bathroom, and that occupation would not include any catering provision such as breakfast, lunch or dinner.
34. Whilst the concerns raised by Whinney Hill Residents Group are noted with regards to potential occupation by students, the application nevertheless relates to the partial change of use to C1 and the application must be considered on its merits in this regard.
35. Despite these concerns the existing use as a C3 dwellinghouse would remain and any material change of use from C1/C3 to C4 (HMO) would be subject to control through the recent Article 4 Notice and in this respect it is noted that the proposal would not result in any net reduction to the number C3 dwellings available within the locale.
36. In relation to student occupation it is considered that given the lack of any shared communal or kitchen facilities and the short term nature of the lets offered, the rooms are unlikely to appeal to students and should any communal facilities be introduced to the extent that it materially changed the use of the property from C1 a C4 use, this would again be subject to control through the Article 4 Notice.
37. Whilst the LPA is not able to control use by a specific group (for example students), a planning condition could be included to control the nature and duration of occupation, in this case prohibiting any single period of occupation from exceeding a total of 3 weeks in any 6 month period, and also requiring the operator to keep a list of the permanent addresses of all guests. This would provide sufficient safeguards to ensure that the property was occupied only for the proposed use.
38. Subject to the inclusion of a planning condition in this regard the proposal is considered acceptable in principle in accordance with policy V6 of the City of Durham Local Plan subject to proper consideration of the impact of the proposal upon the character and appearance of the surrounding conservation area, residential amenity and parking, access and highway safety and these matters are considered in more detail below.

Residential Amenity

39. With regard to the impact of the proposal upon residential amenity, the property comprises a large detached dwelling set within a predominantly residential area comprising both student let accommodation and traditional family homes.
40. Policy H13 of the CofDLP relates to the character of residential areas and states that planning permission will not be granted for changes of use which have a significant adverse effect on the character or appearance of residential areas or on the amenities of residents within them. This approach is considered to display a broad level of accordance with paragraph 180 of the NPPF which requires new development to ensure that it is appropriate for its location taking into account that the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so development should mitigate and reduce to a minimum potential adverse impacts from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscape and nature conservation.

41. Notwithstanding that the application property is located within a predominantly residential area the scale and nature of the proposed C1 use is such that it is unlikely to result in any fundamental change to the noise climate as currently exists, either in terms of increased disturbance from the occupation of the bedrooms themselves or as a result of the increased comings and goings to the point that it would have any unacceptable impact upon the amenity of surrounding residents.
42. The Council's Environmental Health Section has been consulted and confirms that the development is unlikely to cause a statutory nuisance in this regard and does not raise any objection to the application which is considered to accord with the aims of Policy H13 and paragraph 180 of the NPPF.

Impact upon the Character and Appearance of the Durham City Conservation

43. The site is situated within Durham City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 imposes a statutory duty in determining the application to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
44. Policy E6 requires new development to preserve or enhance conservation area which displays a broad level of accordance with the aims of paragraph 193 of the NPPF which explains how when determining planning applications, local planning authorities should take account of the significance of a designated heritage asset, giving great weight to the asset's conservation. The more important the asset, the greater the weight should be.
45. All works associated with the proposed change of use are internal and no external works are proposed. As such there would be no adverse impact on the character and appearance of the conservation area. As such it is considered the proposal would preserve the character of the conservation area, in accordance with the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, saved local plan policy E6 and part 12 of the NPPF.

Parking, Access and Highway Safety

46. The dwelling includes an area of off street parking to the principal elevation of the property which appears to have capacity to accommodate 3 private cars of standard size and a fourth within an existing integrated garage. Despite the availability of a reasonable level of provision in this respect the applicant confirms that no on-site parking provision would be available for guests and that rooms would be advertised on this basis.
47. Policies T1 and T10 of the City of Durham Local Plan state that planning permission will not be granted for new development which would generate traffic that would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. This approach is considered to accord with the aims of paragraph 108 of the NPPF which requires new development to provide safe and suitable access for all users.
48. The Highway Authority offers no objection to the application, confirming that the dwelling is located within a controlled parking zone which requires parking permits and that no permits would be granted for the C1 use in this regard. There is no onsite parking requirement for the Change of Use proposed, However, on street parking via pay and display is noted as being available at various points along Whinney Hill which would be available for use by guests should they require.

49. The property is centrally located and well served by public transport which includes main bus routes and Durham Train Station, both of which offer legitimate and viable alternative to trips by private vehicles and as noted the site occupies a sustainable location in this respect.
50. In light of the above the proposal is considered to accord with the requirements of Policy T1 and T10 and paragraph 108 of the NPPF.

Other Matters

51. Whinney Hill Residents Group has raised concerns regarding the manner in which the planning application was advertised considering in particular that a greater number of properties within the area should have received letters notifying occupants of the application. Despite these concerns it is noted that the LPA exceeded the statutory requirements for the publicity of planning applications (as required by the Town and Country Planning (General Management Procedure) Order 2015, sending neighbour notification letters to adjacent properties, posting a site notice at an adjacent bus stop and by advertising the application via press notice in a local paper. The Council has therefore adequately discharged its responsibilities relating to the publicity of the application.

CONCLUSION

52. The partial change of use from C3 (dwellinghouse) to C1 (hotel), comprising the creation of 4 bedrooms offered for independent let, is considered acceptable in principle and would accord with policy V6 of the City of Durham Local Plan which provides support for new visitor accommodation within existing settlement limits where they would accord with other policies in the Local Plan.
53. In this respect the proposal would not, given the limited scale and nature of the use, result in any unacceptable impact upon the residential amenity of surrounding occupiers or highway safety in accordance with the policies V6, H13, T1 and T10 of the City of Durham Local Plan.
54. In addition, it is considered that the proposal would preserve the character of the and appearance of Durham City Conservation Area in accordance with policy E6 of the City of Durham Local Plan and part 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 subject to the inclusion of appropriate planning conditions.
55. Whilst the concerns of the Local Cllr and Whinney Hill Residents Group are noted with regards to the principle of development these were taken into consideration but were not considered sufficient in this instance to sustain refusal of the application for the reasons described.

RECOMMENDATION

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

1. The development hereby approved 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:

Drawing No.	Description	Date Received
P1815 01	Location Plan	11/06/2018
P1815 01	Proposed Block Plan	11/16/2018
P1815 02	Proposed Floor Plans	11/06/2018

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

3. The 4 rooms forming part of the C1 use hereby approved shall not be occupied for any purpose other than that falling within Class C1 of the Town and Country (Use Classes) Order 1987 as amended and shall not be occupied as permanent residential accommodation, or for any single continuous period of occupation in excess of 3 weeks in any 6 month period.

Reason: To maintain a balanced community and the character of the residential area in accordance with the aims of policy H13 of the City of Durham Local Plan and paragraph 91 of the NPPF.

4. The site operator shall keep a register of the names, addresses and telephone numbers of the primary residences of all guests. Such register shall be maintained up to date by the operator and shall be made available for inspection by the local planning authority at all reasonable times.

Reason: To maintain a balanced community and the character of the residential area in accordance with the aims of policy H13 of the City of Durham Local Plan and paragraph 91 of the NPPF.

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

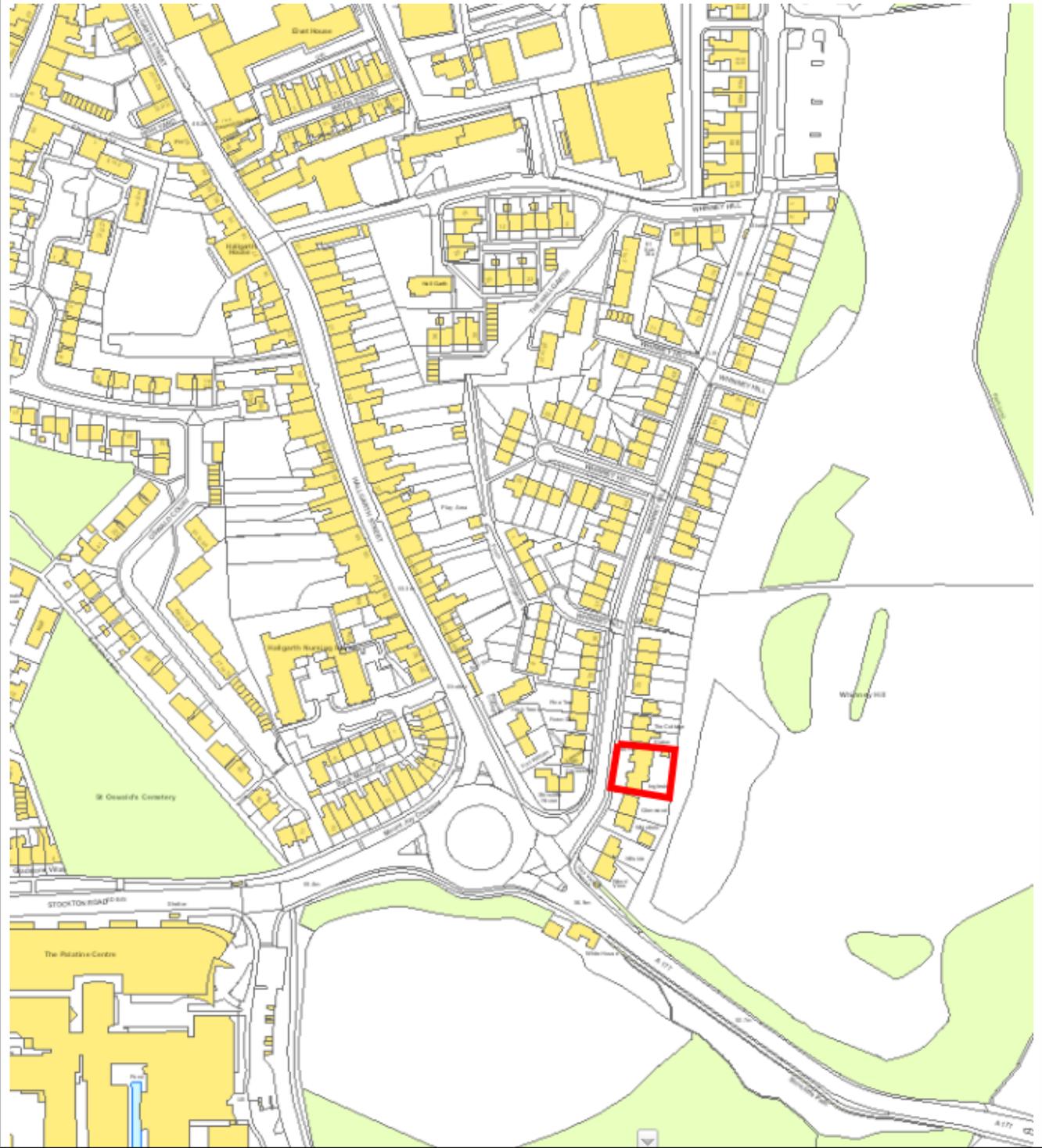
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Partial change of use from C3 (dwellinghouse) to C1 (holiday let)

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Comments

Date 11 September 2018

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00833/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the demolition of an existing bungalow and associated outbuildings and the construction of 9 dwellings with all matters excluding access reserved for future consideration
NAME OF APPLICANT:	Mr S Langley and Mrs S Minto
ADDRESS:	Deerness Villa, Sleetburn Lane, Langley Moor, Durham DH7 8LQ
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a parcel of land approximately 0.5 hectares in area located around 500 metres to the north of Langley Moor, Durham and is situated within a cluster of residential dwellings set around Old Langley Hall and Langley Hall Farm.
2. At present the site hosts a single dwelling with associated curtilage, private amenity space and driveway taking an access from the C18 Sleetburn Lane to the north. As the site is also used as the operational base for a landscape gardening business it includes several large, freestanding poly tunnels and a detached building constructed in block and render which provides storage and office accommodation for the business. In addition, the site hosts several commercial vehicles at any one time including transit and flat bed style vehicles.
3. In terms of the wider area the site is framed by residential dwellings to the north and a recent development of converted farm buildings to the east. An area of woodland lies to the south and west and it is noted that the site also sits within the context of a Grade II Listed building to the north at Old Langley Hall. In addition, Public Footpath No. 91, follows the route of the sites northern boundary.

The Proposal

4. Outline planning permission is sought for the erection of up to 9 dwellings with all matters excluding access reserved for future consideration.

5. Details submitted for full consideration in this regard identify a proposed access from the C18 (Sleetburn Lane) to the north which shows requirement to widen the current arrangement through the removal of a section of boundary wall immediately to the west of the access, the inclusion of a footpath and the formation of a junction radii of 6 metres.
6. Whilst details of layout, landscape, appearance, and scale are reserved for future consideration, the application is nevertheless supported by an indicative site layout which shows a linear arrangement of 9 properties set around a cul-de-sac street scene with turning head and comprising a mix of detached and semi-detached styles.
7. The application is being reported to planning committee at the request of Cllr Paul Taylor who is the Local Councillor for the ward and considers that the development raises issues in relation to the impact upon residential amenity and highway safety to the extent that the application be reported to planning committee.

PLANNING HISTORY

8. Planning permission was previously granted for the installation of a single storey pitched roof to the existing dwelling in 1999. No other planning permissions exists relevant to consideration of this application or the application site itself.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
12. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
13. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted

14. *NPPF Part 9 Promoting Sustainable Transport*: Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 12 Achieving Well Designed Places*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
17. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

City of Durham Local Plan

18. Policy E7 (Development in the Countryside) advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
19. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
20. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
21. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
22. Policy E23: Listed Buildings states that the Council will seek to safeguard listed buildings and their setting.

23. Policy E24: Ancient Monuments and Archaeological Remains states that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ.
24. 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.
25. 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.
26. 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.
27. Policy R11 (Public Rights of Way and Other Paths) states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless, a suitable alternative route is provided.
28. Policy Q1: General Principles – Designing for People states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
29. Policy Q2: General Principles – Designing for Accessibility states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.
30. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
31. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
32. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
33. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

34. Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

35. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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:

36. The Highway Authority has no objection to the application noting that appropriate access improvements and sight visibility splays could be achieved and although indicative, these demonstrate that adequate distances between the adopted highway and plots 1 and 9 as shown could be achieved. In addition, the applicant has amended the scheme to retain the existing bus stops in situ and meet the cost of improvements to the westbound bus stop comprising a hardened verge and raised kerb.
37. Northumbrian Water Limited has no objection to the application subject to the inclusion for a planning condition which requires the submission and agreement of a scheme for the disposal of soil and surface water prior to the commencement of development.
38. Drainage and Coastal Protection Section has no objection to the application.

INTERNAL CONSULTEE RESPONSES:

39. Environmental Health Section (Noise Action Team) has no objection to the application subject to the inclusion of planning conditions to control the environmental impact of the development during the construction phase (to include the submission and agreement of a construction management plan to demonstrate how noise, vibration and dust in particular would be controlled).
40. Design and Conservation Section raises no objection to the application upon receipt of a heritage statement and is satisfied that as this is an outline application including only access at this time, a detailed scheme can be delivered at the reserved matters stage which will not be harmful. However, the indicative layouts submitted with the application in support of the principle of development should not be seen as endorsement for such layouts to form the basis of the future reserved matters application.

41. Landscape Section has no objection to the application.
42. Arborist subject to the inclusion of a condition regarding the submission and agreement of appropriate tree protection measures relating to the construction phase.
43. Ecology Section has no objection to the application subject to the inclusion of a planning condition requiring the implementation of the mitigation described in the supporting Bat and Great Crested Newt Risk Assessments.
44. Archaeology Section has no objection to the application.
45. Public Rights of Way Section has no objection to the application after further information was provided which clarified the extent to which the improvements to the access would impact upon the adjacent Public Right of Way (Footpath No. 91 to the north of the site) and the applicant agreed to provide a commuted sum of £15,000 to improve the section of PROW to the north of the site.

PUBLIC RESPONSES:

46. The application has been publicised by way of site notice and notification letters to neighbouring properties. Six letters of objection have been received and one letter of support. The reasons for objection are summarised as;
 - a) Highway Safety: There have been several accidents and daily near misses between vehicles and pedestrians immediately adjacent to the site access. As a result, the development would have an adverse impact upon highway safety, particularly given vehicle speeds, the narrowness of the road and the position and design of the proposed junction is not suitable. In addition, the position of the bus stop would have an adverse impact on the access for adjacent properties.
 - b) Residential Amenity: The development would have an adverse impact upon the residential amenity of adjacent occupiers in respect of overbearing, overshadowing and loss of sunlight and privacy, particularly to an adjacent property to the east. In addition, there would be increased disturbance from noise as a result of additional vehicle movements.
 - c) Principle of Development: Granting of planning permission would set a precedent which would lead to other similar application within the hamlet. Alternative more centrally located sites within Langley Moor should be developed before this site is considered.
 - d) Deficiencies within the application some of the plans for which do not include points of access at other properties and no detailed elevations have been provided.
 - e) Public Right of Way: The development would have an adverse impact upon Footpath No 91 to the north of the site and it is not clear from the application how this would relate to the development.
 - f) Land Ownership: Uncertainty with regard to ownership relating to the area required for junction improvements.
 - g) Heritage Asset: The development would have an adverse impact upon an adjacent listed building at Langley Hall Farm.

- h) Ecology: The development would have an adverse impact on the local bat population.
- i) Ground Water Drainage: The development would worsen a significant problem with existing ground water drainage which flows overland and onto Sleetburn Lane and onto adjacent properties.
- j) Concerns were raised regarding the extent to which the application was publicised and in particular that two properties to the north of the site should have been sent neighbour notification letters.

47. The reasons for support can be summarised as;

- a) The development of High End Executive properties would bring positives to the hamlet and likely affect a decrease in traffic.

APPLICANTS STATEMENT:

48. The key issues and concerns raised in the Pre-Application Enquiry (PRE28/17/01348) response have been carefully considered and, where necessary, additional specialist consultants have been appointed to prepare specific reports.

The submitted application (DM_18_00833_OUT) is for Outline Consent with all matters excluding access reserved for future consideration. Consequently, details pertaining to Layout, Scale (& Massing), Appearance & Landscaping would be the subject of a reserved matters application should approval be granted.

The proposals are the result of a careful and considered design process which accord with relevant aspects of local and national planning policy and are the outcome of a diligent process involving close design dialogue with both the pre-app and outline application case officers.

We would hope that the extensive range of supporting information provided serves to address any concerns raised and subject to planning being granted believe the development would provide for additional high quality dwellings that would ensure the hamlet maintains its vitality within the immediate and wider setting.

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

49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, locational sustainability of the site, impact upon residential amenity, landscape and visual impact, designated heritage asset, highway safety, public rights of way, ecology, drainage, land contamination and planning obligations.

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CofDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that to the weight to be afforded to saved local plan policies will depend upon their degree of consistency with the NPPF.
51. The City of Durham Local Plan (CofDLP) was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.
52. On this basis, given the age of the CofDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.
53. Policy E7 of the CofDLP is relevant and advises that new development outside existing settlement boundaries will not normally be allowed. As the development site falls outside of the settlement boundary of Langley Moor, as defined in the local plan, it does not accord with Policy E7. However, the out of date evidence base which underpins this policy means that it must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight.
54. Consequently, there are no up to date policies in the development plan against which the principle of development can be determined and as noted regard must therefore be had to Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where there are no relevant development plan policies or the policies which are of most important to determining the application are out-of-date, granting permission unless:
 - i) the application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusal
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

55. Having regard to the above, the Development Plan is considered to be out of date with respect to this proposed development and there are no policies that protect areas or assets of particular importance which provide a clear reason for refusal. As a result, the acceptability of the development largely rests on planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Five year Housing Land Supply

56. Paragraph 67 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.

57. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN) which is now also reflected in paragraph 60 of the NPPF. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).

58. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

59. Accordingly, the benefit of boosting housing land supply will need to be factored into the planning balance, whilst recognising that the benefits of delivering new housing would be less than if a shortfall in supply existed

60. Objections have been received from residents regarding the principle of developing this site before greenfield sites and that brownfield land should be developed first. Whilst at paragraph 118 the NPPF notes that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, this does not preclude the development of brownfield sites not falling within existing settlement limits.

61. In addition, residents have also raised concerns that if planning permission is granted for the development of this site, it would set a precedent that would lead to other applications for residential development elsewhere in the hamlet. However, it is noted that this application relates only to the application site, and any future application for residential development elsewhere within the hamlet would be the subject of a separate planning application, and assessed on its planning merits at that time.

Locational Sustainability of the Site

62. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. In this respect, whilst recognising that the development is located on the edge of a small Hamlet at Old Langley Hall, approximately 580 metres to the north of Langley Moor, it is nevertheless considered that the scheme would integrate itself well into the built environment, occupying previously developed site, and be within walking distance of shops, services and public facilities at Langley Moor. The presence of a bus route past the northern boundary of the site is noted as is the proximity of two existing bus stops.
63. Whilst it is acknowledged that the site lies outside of any settlement boundary as defined in the City of Durham Local Plan, and as such displays some level of conflict with policy E7 which advises that new development outside existing settlement boundaries will not normally be allowed, the out of date evidence base which underpins this policy is such that it must be regarded as being out of date for the purposes of paragraph 11 of the NPPF and can be afforded only limited weight as a consequence.
64. The development could therefore be considered acceptable in principle subject to proper consideration of the impact of the proposal upon residential amenity, landscape and visual impact, designated heritage asset, highway safety, public rights of way, ecology, drainage, land contamination and planning obligations as well as the overall planning balance test.

Impact upon Residential Amenity

65. Policy Q8 of the CofDLP provides detailed design advice for new residential development and policy H13 states that planning permission will not be granted for new development which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. The former prescribes separation distances of 21 metres between windows of habitable rooms, 13 metres between blank two storey gable elevations and windows to habitable rooms and 6 metres between windows to blank single storey gable elevations. These policies are considered NPPF compliant particularly with regard to paragraphs 127 and 180 of the NPPF which require new development to function well and add to the quality of the overall area and prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution respectively.
66. Whilst it is noted that detailed matters in relation to scale and layout are reserved for future consideration the application is nevertheless supported by an indicative site layout which shows a total of 9 No. properties set around a cul-de-sac street arrangement. Of these, properties at Plots 8 and 9 would present rear elevations to the east facing the rear elevation of an existing dwelling at The Lodge. As a consequence residents of the adjacent dwelling have, in objecting to the application, raised concerns that any dwelling at Plots 8 and 9 would appear overbearing, unacceptably overshadow the western elevation of their property and private garden and restrict light to existing windows.
67. Whilst these concerns are noted the site layout has been provided for indicative purposes only and as such any detail relating to layout is not submitted for consideration in determination of this application.

68. Notwithstanding this, the submitted plan nevertheless demonstrates that separation distances described in policy Q8 of the City of Durham Local Plan could be achieved within the development itself. With regard to existing dwellings, (particularly those to the east at The Loft and The Cottage), there is a significant change in levels between the two sites and as such the introduction of new development within this part of the application site would inevitably have some impact. However, the current single storey dwelling which already occupies this part of the site and has some impact in this regard, would be removed as part of the proposal.
69. Consequently, the application provides sufficient information in order to demonstrate that the site is capable of accommodating residential development of the type described with agreement of precise detail in terms of layout, appearance and scale subject to detailed consideration at reserved matter stage should permission be granted and this would involve consideration of the impact of the development upon residential amenity including loss of privacy, overbearing or overshadowing. With this in mind it is considered that a suitable design could be achieved which does not have an unacceptable impact upon the residential amenity of adjacent occupiers, particularly given the windows to the rear of elevation of the adjacent property appear to serve an internal corridor, WC and kitchen.
70. Whilst it is likely that the outlook to the rear of The Lodge would be altered as a result of the proposal, it is considered that development could be accommodated which would not result in any unacceptable reduction in the amenity for existing residents in terms of overlooking, loss of privacy or outlook as a result of the development.
71. In order to limit the potential for disturbance during construction the Council's Environmental Health Section (Noise Action Team) recommends that a construction management plan be secured to deal with construction related impacts including control of working hours. Subject to the imposition of such a condition in this regard it is considered that any adverse impacts could be satisfactorily mitigated.
72. Overall, the scheme would therefore comply with CofDLP Policies Q8 and H13 and Part 15 of the NPPF in that it would not lead to a significant reduction in residential amenity for existing or future residents.

Landscape and Visual Appraisal

73. The site is located on high ground at the eastern tip of a Pennine spur dividing the Deerness and Wear Valleys. It is well framed by existing buildings to the north and east and by woodland to the south and west, the latter in particular screening views of the site which it is noted does not fall within any landscape designation.
74. Policy H13 of the Local Plan is therefore relevant which states that planning permission will not be granted for new development which have a significant adverse effect on the character or appearance of residential areas. In addition, policy Q8 requires the design and layout of new residential development to take into account the need to retain existing features of interest within the site including trees and hedgerows and to be appropriate in scale, form, density and materials to the character of its surroundings and policy E14 requires the retention of existing trees wherever possible.
75. Both policies display a broad level of accord with the approach contained within Part 12 of the NPPF which seek to promote good design, while protecting and enhancing local environments. In particular paragraph 127 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area.

76. Whilst it is noted that the application is submitted in outline only with details of landscape, layout, appearance and scale reserved for future consideration, based on the indicative layout plan submitted, it is considered that residential development could be accommodated at the site which would not have an unacceptable adverse impact upon the character and appearance of the surrounding area, subject to review of a reserved matters application. The Council's Landscape Section and Arborist therefore have no objections to the application subject to the inclusion of a planning condition requiring the implementation of appropriate tree protection measures prior to the commencement of development and that these be retained for the duration of the construction phase.
77. Overall, and subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with CofDLP Policies Q8 and H13 and Part 12 of the NPPF.

Design and the Impact upon Heritage Assets

78. CofDLP Policy E23 seeks to safeguard listed buildings and their setting by not permitting development which detracts from the setting of a listed building. This policy is considered broadly consistent with the NPPF in this respect, which sets out at Part 16, that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. These policies reflect the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
79. The application is supported by a Heritage Statement which assess the impact of the proposal upon the nearest heritage asset, which in this instance is identified as the Old Langley Hall to the north of the site which is Grade II listed. The heritage statement concludes that the development of the site would not have any unacceptable impact upon the character or setting of the adjacent Grade II Listed Building.
80. In reviewing the submitted heritage assessment and considering the potential impacts of the development the Council's Design and Conservation Section is satisfied that as the application is submitted in outline (including only details matters relating to access), a detailed scheme could be delivered at the reserved matters stage which will not be harmful to the nearby Grade II Listed Building. However, whilst indicative layouts are submitted in support of the application, the acceptance of the principle of development should not be seen as any endorsement of these layouts to form the basis of any future reserved matters application.
81. With this in mind it is considered that the application provides sufficient information to demonstrate that residential redevelopment of the site as proposed would not have any unacceptable impact upon the character and appearance of the surrounding area and would preserve the special historic character of the Grade II Listed Building at Old Langley Hall in accordance with the aims of policy H23 of the CofDLP, paragraph 193 of the NPPF and Sections 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

82. The application relates to outline planning permission although detailed matters relating to access are submitted for consideration. These identify a means of access which would occupy the position of the current site access onto the C18 (Sleetburn Lane) which is currently gated and flanked by stone walls to both sides. Improvement works would include the widening of the access, the provision of 6 metre junction radii and adequate sight visibility splays. With regard to the latter a speed survey has been undertaken and is submitted in support of the application which identifies minimum sight visibility splays of 37 metres as being required.
83. Several residents have raised concerns and objection to the application in relation to the impact of the proposal upon highway safety. These concerns relate specifically to a belief that the proposal would generate a level of traffic detrimental to highway safety citing previous instances where vehicles travelling this route have left the carriageway and collided with an adjacent stone wall.
84. Policy T1 of the CofDLP states 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 impact on the amenity of adjacent occupiers of neighbouring property. This approach is considered to display a broad level of accordance with the aims of paragraph 108 of the NPPF.
85. As already noted the application is supported by a speed survey which calculated appropriate visibility splays at the junction of 37 metres and the Highway Authority is satisfied that these are both appropriate and could be satisfactorily achieved.
86. Other improvements to the access include its widening and the provision of 6 metre junction radii which the Highway Authority has confirmed could again be satisfactorily achieved subject to S278 Agreement. Notwithstanding this, an adjacent occupier has queried the extent to which the improved access would affect land within their control. As a result the applicant has amended the extent of the application site and made alterations to the junction to ensure that all land within the application site is either within their control or forms part of the adopted highway. Whilst this has resulted in a marginal reduction to the width of the proposed footpath serving the development, this would not undermine pedestrian safety to the satisfaction of the Highway Authority.
87. Whilst the application had originally proposed the relocation of two existing bus stops this element has since been removed from the proposal upon the advice of the Highway Authority which advised that these should be retained in their current location. However, the applicant has agreed to meet the cost of providing a hardened verge and raised kerb to the west bound bus stop which could be ensured through planning condition and joint Section 38 and 278 Agreement.
88. In summary, the proposed access arrangements are considered acceptable and would provide safe and adequate means of serving the development, which itself is not considered to generate a volume of traffic that would be detrimental to highway safety. The proposal is therefore considered acceptable in accordance with the aims of policy T1 and paragraph 108 of the NPPF subject to planning conditions requiring improvements to the existing access, that these be completed prior to the commencement of development and.

Public Rights of Way

89. The site is framed by a Public Right of Way to the north comprising Footpath No. 91 which is located parallel to the sites northern boundary and links to Footpaths Nos. 90 and 91 to the west and Nos. 87 and 88 to the east. Whilst the applicant has confirmed there would be no direct impact upon the PROW as a result of the improvement works to the site access a short section of wall adjacent to the PROW would be removed.
90. Policy R11 of the CofDLP states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative route is provided and the proposal accords with policy T21 where possible the existing network of public rights of way and other paths will be extended. This approach displays a broad level of accord with the aims of paragraph 98 which states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
91. In this respect the applicant has provided sufficient information to the satisfaction of the Council's Public Rights of Way Section, to adequately demonstrate that the development would not have any unacceptable impact upon the existing right of way and would not require any stopping up or diversion of this route.
92. The route provides an important pedestrian link for future residents to the wider footpath network and shops and services to the south at Langley Moor. However, it is noted that previously this route has been subject of complaint to the Council's PROW Section given the poor and muddy path surface and illegal access by motorbikes. These are notable barriers to its use and as such works to improve this route (comprising the creation of a 1m wide permeable path along Footpath 91 (sub-base with whinstone finish construction), and approx. 2m wide re-whinstone dusting of the surface of Footpath 92) would improve access and could be secured through a commuted sum payment of £15,000 via Section 106 Agreement.
93. It is understood that the development would facilitate some improvement through improved visibility for users as a result of the removal of a short section of adjacent boundary wall and through a commuted sum contribution of £15,000 to be spent on improving the footpath surface from adjacent to the proposed development through to High Shaws to the south-west. Works would include creating a 1m wide permeable path along Footpath 91 (sub-base with whinstone finish construction), and approx. 2m wide re-whinstone dusting of the surface of Footpath 92. Footpath 91 is an arable field edge path, well-trodden when viewed on site. Footpath 92 is an existing track through woodland.
94. Subject therefore to a commuted sum payment of £15,000 being secured through Section 106 Planning Agreement to be used in improvements to the existing public right of way, the development is considered to accord with the requirements of policy R11 of the CofDLP and paragraph 98 of the NPPF in that it would not have any unacceptable impact of the existing public right of way network.

Ecology

95. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. As the application involves the demolition of existing buildings and works within 250 metres of 4 No. ponds a Bat Risk Assessment and Great Crested Newt Survey support the application.

96. The Bat Risk Assessment concluded that whilst the site itself provides poor quality foraging for bats, the edges of an adjacent woodland are likely to be an important foraging and commuting resource for any bats roosting within the wider area. Activity surveys were undertaken of the buildings in May and June 2018 with no roosts identified and as such overall, bat activity was generally found to be low and more focussed on the woodland boundaries. However, an avoidance and mitigation strategy is included within the report and advises careful design of external lighting, new wildlife pond construction, retention of trees, timing constraints, precautionary working methods.
97. With regard to great crested newts it is noted that a risk assessment and survey of nearby ponds were completed in June 2018 and found no great crested newts. As such the site is considered to be of low value for Great Crested Newts although mitigation is advised comprising the formulation of a precautionary statement.
98. The Council's Ecologist has been consulted and offers no objection to the application subject to the inclusion of a planning condition requiring the implementation of the mitigation stated in the Bat and Great Crested Newts risk assessments and surveys. Despite concerns from local residents that the development would adversely impact upon the local bat and great crested newt population it is considered that subject to the inclusion of a planning condition to ensure appropriate mitigation, the development to accords with the aims of Part 15 of the NPPF.

Drainage

99. Policy U8A of the CofDLP states that development proposals will only be approved if they include satisfactory arrangement for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
100. Means of drainage and disposal of foul and surface water are raised in objection to the application by an adjacent occupier who advises that at present surface water run-off from surrounding land onto their property is a problem during periods of rainfall.
101. Notwithstanding these concerns NWL and the Council's Drainage and Coastal Protection Section have been consulted and raise no objection to the application which is considered to accord with the requirements of policy U8A of the CofDLP subject to the inclusion of a planning condition requiring the submission and agreement of precise detail of the means of disposal of foul and surface water can prior to the commencement of development.

Contaminated Land

102. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
103. It is noted that the site currently hosts a single dwelling and office accommodation and several poly tunnels used in association with a landscape gardening business which operates from the site. The Council's Contaminated Land Section has no objection to the application which is considered to accord with the requirements of paragraph 178 of the NPPF.

Planning Obligations

104. As noted a planning contribution by way of a £15,000 commuted sum for improvements to an adjacent public right of way would be secured through a S106 Agreement and is required in order to improve pedestrian access to the site

Other Matters

105. Objections have been received citing concerns regarding the extent to which the application was publicised and in particular that two properties to the north of the site should have been sent neighbour notification letters. However, it is noted that the application has been advertised by way of site notice and neighbour notification which exceeds the minimum statutory requirements as defined by the Town and Country Planning (General Development Procedure) Order 2014.
106. Objections have also been received from residents with regard to uncertainty regarding the land ownership of the area required for junction improvements at the site access. This has been raised with the applicant who advises that all of the land identified for improvement is situated within the adopted highway.
107. In addition, residents have raised concerns that some of the supporting plans do not identify the position of other points of access onto Sleetburn Lane. However, the level of information is considered sufficient when considered against the requirements of the Council's Validation Checklist.

Planning Balance

108. As the relevant policies of the CofDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

109. Similarly, a planning condition would secure improvements to an existing bus stop to the north of the site through provision of a hardened verge and raised kerb secured through Section 38/278 Agreement.
110. The development would also provide some benefit in terms of a boost to housing supply, although it is noted that this could be considered limited at 9 dwellings and in the context that the Council's ability to demonstrate a 5 year supply of housing land. Less weight should be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if a significant shortfall in supply existed.
111. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some weight.

112. Whilst the development would have some adverse impact in that it would inevitably alter the outlook for occupiers of adjacent properties, any impact in this regard would likely be limited given the application site currently hosts a single dwelling and associated outbuildings.

CONCLUSION

113. As the CofDLP is silent and housing land supply policies are out of date, the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 11 of the NPPF, which states that the development be granted planning permission unless, the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
114. The principle of development is considered acceptable and the proposal would accord with one of the key aims of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which can be made sustainable given the proximity of local services and public transport.
115. Therefore, when considered in the context of paragraph 11 of the NPPF it is considered that the proposal would not have any adverse impacts which would significantly or demonstrably outweigh the benefits.
116. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised by local residents have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

RECOMMENDATION

That the application be APPROVED subject to the completion of a Section 106 Legal Agreement to secure the following:

- £15,000 commuted sum to be used to upgrade the existing Footpath Nos 91 and 92 to the north and west of the site.

And subject to the following conditions;

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced other than remediation works and site access works.

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. Application for approval of reserved matters of the development shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved.

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

3. The development hereby approved shall comprise a maximum of 9 dwellings.

Reason: To define the consent and precise number of dwellings approved

4. No development shall commence until such time as a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Part 14 of the National Planning Policy Framework

5. No development shall commence until the highway infrastructure improvement as shown on Drawing No. 1602 S4 REV P03 entitled 'Proposed Site Plan' received 31 August 2018 including the widening of the access and the introduction of 6 metre junction radii.

Reason: In the interests of highway safety in the accordance with the aims of policy T1 of City of Durham Local Plan and paragraph 108 of the NPPF.

6. The development hereby approved shall not be occupied until works to upgrade the existing bus stop to the north have been completed including the installation of a hardened verge and a raised kerb.

Reason: In the interests of highway safety and to promote public transport use in accordance with policy T1 of the City of Durham Local Plan and paragraph 108 of the NPPF.

7. The development shall be carried out in accordance with the mitigation outlined within Section H of the Ecological Survey and Assessment entitled 'Ecological Appraisal and Bat Risk Assessment June 2018' received 22 June 2018 undertaken by E3 Ecology and Section G of the 'Great Crested Newt Survey June 2018' received 22 June 2018 undertaken by E3 Ecology.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 175 of the National Planning Policy Framework.

8. The pond required in mitigation with regard to Condition 6 shall not be stocked with fish.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 175 of the National Planning Policy Framework.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought onto site until all trees to be retained, as indicated on Approved Drawing No. MWA Deerness Villa TPP 001 entitled Tree Protection Plan received 19 March 2018, is protected by the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting by temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. The fences shall remain in place throughout the construction period.

No underground services trenches or service runs shall be laid out in root protection areas of those trees to be retained as shown on the approved plan.

Reason: To protect the character and appearance of the surrounding area in accordance with the requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

The agreed plan shall include as a minimum (but not necessarily be restricted to) the following:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 ‘Code of practice for noise and vibration control on construction sites’ 2014.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council’s accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

The management plan shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations. The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

11. The development shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15.

12. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

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 (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Outline application for the demolition of an existing bungalow and associated outbuildings and the construction of 9 dwellings with all matters excluding access reserved for future consideration

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Comments

Date 11 September 2018

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01995/FPA
FULL APPLICATION DESCRIPTION:	Multi media teaching block.
NAME OF APPLICANT:	Mrs Ellen Beveridge
ADDRESS:	Durham Sixth Form Centre, The Sands, Durham, DH11SG
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This site is situated on the northern edge of Durham city centre within the 2.9 Hectare estate of Durham Sixth Form Centre, a post 16 education campus. The site occupies a prominent location within Durham (City Centre) Conservation Area fronting Freeman's Place and the riverside with its rear elevation prominent on the west side of Providence Row. The sites surroundings are mixed in use and character with domestic Victorian terraces to the east and the modern Walkergate Development comprising of hotel, apartments and leisure facilities adjacent to the south. To the west is a large public car park adjoining which is the green open space of The Sands.
2. The main Sixth Form Centre building first appears on the Ordnance Survey map circa 1923 and since this time a number of extensions have been added mainly during the 1950s and 1970s. In view of its age it is not of historic significance; nevertheless it is a characterful building with much detailing that is prominent in the locality and is considered a positive contributor to the designated conservation area.

Proposal:

3. This application proposes a new multimedia building within the grounds of the existing sixth form centre. The building would have a flat roof with a feature parapet and would be three storeys; it would be constructed of a grey and buff facing brick with render panelling. Reconfiguration to the existing car parking areas are also shown on the plan however, these have been implemented under a separate application which was approved last year.
4. This application is a revised scheme of a previously approved consent which approved the building as two-storey.

5. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

6. DM/17/03143/FPA – Reconfiguration of car parks, Approved.
7. DM/17/02606/FPA - New multimedia facility and reconfiguration of car parking provision. Approved.

PLANNING POLICY

NATIONAL POLICY:

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. *NPPF Part 9* - 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.
12. *NPPF Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 12* - 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.

14. *NPPF Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
15. *NPPF Part 16 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

City of Durham Local Plan

16. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
17. Policy E14 - (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site
18. Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
19. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
20. 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.
21. 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.
22. 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.
23. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

RELEVANT EMERGING POLICY:

The County Durham Plan

24. Paragraph 213 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 18 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 from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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:

25. The Environment Agency offers no objection subject to a suitable condition being attached.

INTERNAL CONSULTEE RESPONSES:

26. Tree and Landscape officers have confirmed further information is required before the landscaping scheme can be agreed.

27. Drainage and Coastal Protection Team consider that permission should be withheld until details of the disposal of surface water from the development is submitted.

28. Ecology have offered no objections to the scheme and state no further surveys are required. The recommendation section should be conditioned.

29. Design and Conservation officers have no objections and consider that the additional storey would not have a significant impact on the area

30. Archaeology officers require a condition relating to a written scheme of investigation and a watching brief.

31. Highways officers have no objections stating that the site is in a highly accessible location with a significant amount of off street private and public parking within the vicinity.

PUBLIC RESPONSES:

32. 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, no letters of objection have been received.

APPLICANTS STATEMENT:

Context

33. Durham Sixth Form Centre is the largest post-16 school in the North East of England, with approximately 1,300 students on roll. It is situated in the centre of Durham City, a couple of minutes walk from both the bus and railway stations.
34. Students generally enrol at Durham Sixth Form Centre from over 50 different secondary schools from across County Durham, Sunderland and Northumberland. This not only adds value to the local economy of Durham City but embraces the educational tradition and student culture of the city; one of the top university cities in the country. In March 2017, Her Majesty's Inspectors graded Durham Sixth Form Centre as 'outstanding' following a rigorous two day Ofsted inspection. Not only did they judge Durham Sixth form Centre as 'outstanding' for 'Overall Effectiveness' but also 'outstanding' for 'Student Outcomes'; the 'Quality of Teaching, Learning and Assessment'; 'Personal Development, Behaviour and Welfare'; and the 'Effectiveness of Leadership and Management'.

In 2017 students outcomes are summarised below:

- 100% pass rate for the sixth consecutive year.
- Three quarters of students achieved A*-B grades (or equivalent).
- The best three A-levels expressed as a grade B.
- Average Point Score (APS) per entry for both academic and vocational cohorts is higher than the national average.
- Vocational results continue to be significantly above national benchmarks with students attaining, on average, the highest possible grade of a Distinction*.
- Add value to both Academic and Vocational students as they achieve, on average, higher than predicted grades based on their KS4 starting point.

Most of Durham Sixth Form Centre's students continue their studies at university; some take up employment or high-level apprenticeships; others stay on to Year 14 studying Level 4 courses. The award-winning Careers Information Advice and Guidance team are instrumental in supporting students with their post-18 progression pathways.

Purpose

35. Through sustained effort, and a clear focus and direction, Durham Sixth Form Centre is a truly embracing and dynamic organisation which is committed to promoting the principles of equal opportunities, aspiring to an environment where all students and employees can develop their potential. There is a strong professional development programme which has led to the achievement of CPD Mark accreditation, Investors in People, Investors in Careers and Governor Mark. The school operates according to values which we feel help to determine the culture, ethos and atmosphere. As a Local Authority Maintained school Durham Sixth Form Centre has proved to be a rich, diverse, 'jewel in the crown' for Durham City for both children and their parents from across the Durham County. At a time when nationally post-16 funding is at a low; there is a reduction in the breadth of sixth form curriculum; and in some cases sixth forms in schools are being forced to close; Durham Sixth Form Centre is bucking the trend but it is now time for leaders to rationalise spending and resource management and avoid complacency.

36. In 2013, Durham Sixth Form Centre celebrated its Centenary year; housed in a 1913 former Girls' Grammar School, which was purpose converted to Sixth Form accommodation in 1983. In addition to the original building, there is now a Science Block; a 210 seated Theatre; a Resource Centre; Visual Arts Centre and Freeman's Quay Leisure Centre (DCC owned on site). In order to house and deliver a curriculum which captures both breadth and depth for 1,300 students, Durham Sixth Form Centre, at great cost, privately rents a building adjacent to the River Wear. This is a 10 year agreement which was inherited by the existing Headteacher from the post holder at the time. It is the schools intention to end the private rental agreement on completion of the new build to reduce outgoings.
37. The school also delivers lessons in demountable classrooms on site, again at great cost through a rental company. This is an annual agreement with an annual renewal. It is the schools intention to end the private rental agreement on completion of the new build to reduce outgoings. In addition, Durham Sixth Form Centre has secured funding via the Wolfson Foundation to support the setup of a TV studio in the new build. It is hoped, in time, this can become a community resource and that the facilities of the new build, which include a TV studio, editing suite, recording room, IT facilities, training/conference facility and a modest cafe can be embraced by the local community outside of school hours. Given the city centre location and that some community work already exists at the school it is anticipated this will add further value and opportunity to the locality.
38. It is important for students to know that alongside the heritage and resource of the 1913 building that there are also opportunities to be taught in a state of the art modern building that encaptures their imagination and desire to progress further. This, alongside the regeneration of the riverbanks where Durham Sixth Form Centre is situated appears ideal timing to rationalise the school's buildings.

Timescales

39. It is anticipated at this stage, with the support of DCC, that current students in Year 12 will have the opportunity to be taught in this exciting, stimulating environment. The ambitious timescales would suggest this could be as soon as September 2018.

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

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on the street scene and conservation area and highways issues.

Principle of the development

41. The importance of this new educational facility for Durham Sixth Form, for the City and for the wider area is acknowledged and appropriate weight must be attached to its importance.

42. The educational use is well established on this site and the Sixth Form has operated there for around 35 years. The proposed building is located within the existing complex and has good linkages in terms of public transport and to the city centre. The development has been designed to have minimal impact upon its landscape setting and to ensure that its impact is limited. The Sixth Form site is physically clearly contained and accessible via a variety of means, therefore the choice of the application site is both logical and appropriate. The principle of the development for educational purposes on this site is acceptable and would assist with the wider aims of the Authority and the County as a whole.

Impact on the street scene and conservation area

43. The application should be determined in accordance with the National Planning Policy Framework (NPPF) and saved City of Durham District Local Planning Policies, the following are considered relevant to the consideration of this application from a heritage and design perspective; NPPF Section 16 Conservation and Enhancement of the Historic Environment, and saved local planning policies E6 Durham (City Centre) Conservation Area, E22 Conservation Areas.

44. Consent is sought for the construction of a new detached multimedia educational building and associated reconfiguration of the existing car parking provision at Durham Sixth Form Centre, The Sands, Durham City. Although the car parking is shown on this scheme, as stated above, this has been previously approved. As noted above, the site occupies a prominent location within Durham (City Centre) Conservation Area fronting Freeman's Place and the riverside with its rear elevation prominent on the west side of Providence Row. The main Sixth Form Centre building is a characterful building with much detailing that is prominent in the locality and is considered a positive contributor to the designated conservation area.

45. The contemporary architectural solution would be considered to integrate successfully into the wider contextual framework while reading as a further evolution of the college campus site. This is primarily due to the proposed buildings positioning within the south east corner of the site situated to the rear of Freemans Quay Leisure Centre and set back to the side of the later additions to the principle sixth form centre building. Its orientation and form respond to the site and its constraints while allowing for a reduced façade to be presented to the large open playing field.

46. The additional upper floor is not considered to lead to any adverse effects in terms of the setting of any heritage assets, or the character and appearance of the surrounding conservation area, and would not lead to any harmful intrusion in terms of any notable experience of any heritage asset in public views. The development would be comfortably assimilated into this part of the townscape characterised by various modern buildings and ongoing developments generally of equal or greater scale and mass and varying in architectural style. The structures would also appear logical in terms of hierarchy, bridging the gap between Freemans Quay and the educational buildings on site, and it would be viewed against a backdrop of the substantial development under construction to the rear of Claypath.

47. The design follows the existing trend for new building designs within this part of the city centre with its aesthetic a product of its end use yet displaying a degree of individuality, quality and interest. The glazing is well patterned creating a strong rhythm; it includes a well-defined and angulated feature entrance, projecting elements, and curtain walling to provide a lighter counterpoint, while the use of materials of contrasting colours would aid articulation and visual interest.

48. In terms of heritage impacts; the siting and scale means that the building would not significantly intrude within public views of the historic main school building. From outside the college site it would have a limited visual impact due to the topography and high shielding provided by the existing built form, plus where visible it would be seen more in the context of the existing contemporary buildings of the leisure centre, hotel and apartment's block forming part of the Walkergate development. The above would result in a building that is in keeping with its immediate modern surroundings that will serve to cause no adverse effects upon the character, appearance or significance of the designated conservation area which would thereby be preserved in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.
49. Tree officers have accepted the loss of a very small amount of trees and agreed with the submitted arboricultural assessment and tree protection scheme which would be conditioned. In addition, a further landscaping condition would ensure appropriate tree replacement.
50. In summary, it is concluded that the proposed development would be acceptable in terms of siting, scale, mass and design and would cause no adverse heritage impact. As such the application is considered to be in-line with Sections 12 and 16 of the NPPF and saved local planning policies E3, E6, E21 and E22. It is also in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the development to preserve or enhance the Conservation Area. A condition requiring materials samples would be required.

Highways issues

51. Highways officers have stated that the proposed development is in a highly accessible and sustainable location for additional education facilities. It has good links to all city centre amenities and public transport facilities with a significant amount of off street private and public parking within the vicinity. The existing car park would be upgraded, whilst a new car park is proposed to the north of the site replacing the provision for parking spaces lost as a result of the new building. There would be 34 spaces in total including 2 no accessible bays positioned near the main reception. The current car park provides 32 spaces.
52. Highways officers have no objections to the current access arrangements, proposed level of parking provision or location and therefore consider the proposals acceptable from a highways point of view in accordance with saved policy T1 and part 9 of the NPPF.

Other Issues

53. To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, it is considered that a condition is added to the proposal for the disposal of surface water to be agreed. Whilst it was suggested that this should be done before the determination of the applications, it is considered that this can be done as a condition and does not prevent a determination of the application.
54. Landscape Officer have raised concern over the submitted landscape scheme and have requested additional details to be submitted. It is considered that this can be dealt with via a condition of the application.

CONCLUSION

55. This proposal would result in an important education facility which would add to the existing facilities at Durham Sixth Form Centre. The site is in a highly sustainable location with good links to public transport and amenities in the city centre. The building has been designed to a high standard within the existing complex and there would be no adverse impacts on any surrounding occupiers or the Conservation Area. Overall the proposals are welcomed and would be of much benefit to the city and surrounding area. The application is therefore recommended for approval.

RECOMMENDATION

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

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

Reason: Required to be imposed pursuant to Section 92 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 only in accordance with the approved plans and specifications contained within:

Plan	Drawing No.	Date Received
Proposed drainage layout (Main site) 1 of 3	121212-4000 Rev C6	02/07/18
Proposed drainage layout (main site) 2 of 3	121212-4001 Rev C6	02/07/18
Proposed drainage layout (north car park) sheet 3 of 3	121212-4002 Rev C7	02/07/18
Site boundary - red line	0001 Rev C	02/07/18
Proposed site plan	0003 Rev N	02/07/18
Location plan (OS)	0004 Rev A	02/07/18
Proposed hard landscaping	0007 Rev E	02/07/18
GA floor plans	1000 Rev K	02/07/18
Roof plan	1001 rev E	02/07/18
Elevations	2000 Rev K	02/07/18
GA Sections	3000 Rev J	02/07/18
Topographical survey	19342/2	02/07/18
Underground services	19342/UG1	02/07/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

3. The development hereby approved shall be carried out in accordance with the "Arboricultural Method Statement for Trees at Durham Sixth Form Centre, Durham City" by All About Trees Issued 26th July 2017. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the agreed tree protection scheme as to be retained, are protected by the erection of fencing in accordance with BS.5837:2012. The fencing shall remain in place throughout the construction period of the works hereby approved.

Reason: In the interests of the visual amenity of the area and to comply with the National Planning Policy Framework part 15.

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

Reason: In the interests of the appearance of the area and to comply with saved Policy Q8 of the City of Durham Local Plan and part 12 of the NPPF.

5. Notwithstanding the details submitted, no development shall commence until details of an appropriate landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The agreed landscaping scheme shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies E6 and Q8 of the City of Durham Local Plan and part 15 of the National Planning Policy Framework.

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with para 197 and 199 of the NPPF because the site is of archaeological interest.

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

Reason: To comply with para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

8. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by EPS issued 16th November 2017.

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

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with part 14 of the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until such time as a scheme to maintain the void beneath the proposed building has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be fully implemented and subsequently maintained in perpetuity.

Reason: To ensure the volume of floodplain storage provided by this void does not diminish over time by silting up or other accumulation of debris in accordance with part 14 of the National Planning Policy Framework.

10. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority in accordance with the Drainage and Coastal Protection Team. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with part 14 of the NPPF.

11. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

A Dust Action Plan including measures to control the emission of dust and dirt during construction

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

12. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

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

13. No development shall take place unless in strict accordance with the contents of Section 6 (Summary and Recommendations) of the Durham 6th Form Centre Ecological Appraisal Report by Carillion PLC dated July 2017 report.

Reason: In the interests of protected species and to comply with Part 15 of the NPPF and saved policy E16 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

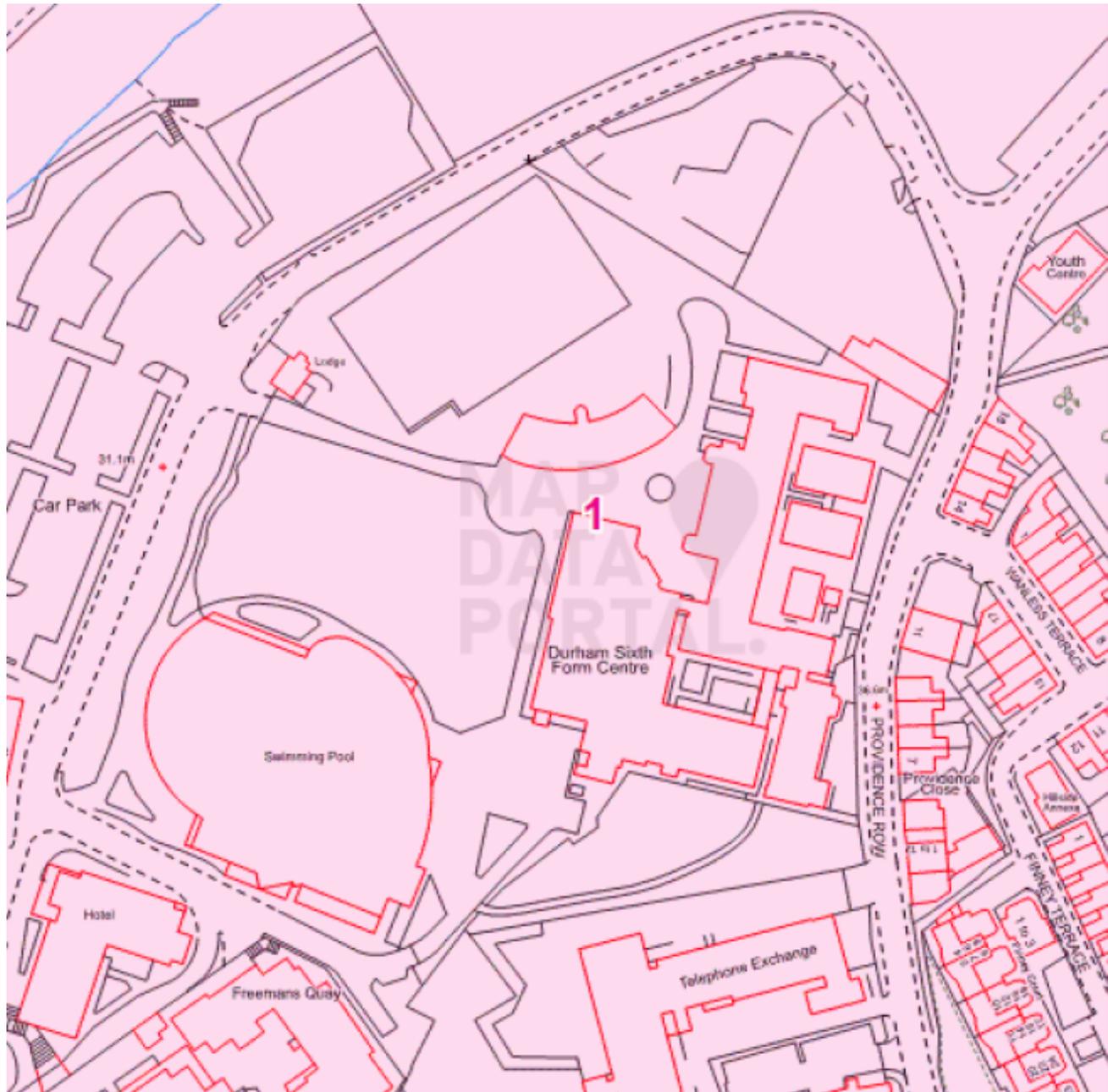
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

City Of Durham Local Plan




Planning Services

New Multimedia Building, Durham Sixth Form
DM/18/01995/FPA

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Comments

Date September 2018