



Area Planning Committee (Central and East)

Date Tuesday 9 April 2019
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Last Meeting held on 12 March 2019 (Pages 3 - 18)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/19/00324/AD - Student Castle, Claypath, Durham
(Pages 19 - 30)
4 no. vertical halo illuminated signs.
 - b) DM/19/00601/FPA - Petite Mer, St Oswalds Square, Pity Me
(Pages 31 - 38)
Loft conversion with flat roof dormers and velux windows, installation of solar panels.
 - c) DM/19/00426/FPA - 13 Bevan Grove, Gilesgate, Durham
(Pages 39 - 48)
Change of use from C3 to C4 property.
 - d) DM/18/03671/FPA - 22a Allergate, Durham (Pages 49 - 66)
2 Storey Extension to existing dwelling to create a total of 2 No. Dwellinghouses.
 - e) DM/17/03999/FPA - Former Greyhound Stadium Sunderland Road, Easington (Pages 67 - 84)
Demolition of Former Easington Greyhound Stadium and erection of 47no. dwellinghouses with associated access, landscaping and infrastructure.
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
1 April 2019

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

Councillor A Laing (Chairman)
Councillor K Corrigan (Vice-Chairman)

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

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 12 March 2019** at **1.00 pm**

Present:

Members of the Committee:

Councillors G Bleasdale, D Brown, J Clark, K Corrigan, M Davinson, D Freeman, S Iveson, P Jopling, J Maitland (substitute for P Jopling), R Manchester, P Taylor, O Temple and M Wilson (substitute for J Robinson)

Also Present:

Councillors J Turnbull, D Boyes, D Hall, B Kellett and A Surtees

1 Election of Chairman

The Committee Services Officer noted in the absence of the Chairman, and with no Vice-Chairman, there would need to be a Chairman elected from the Committee Members.

Councillor M Davinson proposed that Councillor K Corrigan be elected Chairman for the meeting, he was seconded by Councillor J Clark.

RESOLVED

That Councillor K Corrigan be elected as Chairman for the meeting.

Councillor K Corrigan in the Chair

2 Apologies for Absence

Apologies for absence received from Councillors I Cochrane, K Hawley, A Laing and J Robinson.

3 Substitute Members

Councillor J Maitland substituted for Councillor A Laing and Councillor M Wilson substituted for Councillor J Robinson.

4 Minutes

The minutes of the meeting held on 12 February 2019 were confirmed as a correct record by the Committee and signed by the Chairman.

5 Declarations of Interest

There were no Declarations of Interest submitted.

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

a DM/17/01963/FPA - Land To The South Of Nursery Gardens, Thorpe Road, Easington

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 the erection of 98 no. two-storey 2,3- and 4-bedroom semi and detached dwellings with associated works (revised plans) and was recommended for refusal.

The Principal Planning Officer, HJ noted that area of land that the application referred to had Easington Village to the north, Easington Colliery to the north-east, the A19 to the west and A1086 and Peterlee to the south. Members were asked to note the intervening fields between Peterlee and the application site, where there was an extant permission for development starting at Low Hills for a total of 950 dwellings.

Members noted that it was proposed for a single access point to the application site, midway along the site from Thorpe Road. It was added that it was proposed 98 properties were all two, three and four bedroom and that there was also proposed landscaping to the periphery and south of the site, however, there was not significant areas of open green space within the site itself. The Principal Planning Officer, HJ noted that the house types proposed were fairly standard, with 12 variations, though a lack of distinctiveness was noted as a concern.

The Principal Planning Officer, HJ advised that in terms of statutory consultees, Easington Village Parish Council objected to application as it was in conflict with both national and local plan policies. It was added that the Council's Spatial Policy Team objected in terms of impact upon the "green wedge" separating Easington Village and Peterlee, Policy 6 of the Easington District Local Plan. Members noted that the Landscape Section objected to the application noting incursion into the countryside and coalescence of the settlements of Peterlee and Easington Village.

The Committee were informed that the Ecology Section had objected to the application on the basis that the development would be likely to harm the Durham Coast Special Area of Conservation and Northumbria Special Protection Area and no acceptable mitigation proposals had been provided. The Principal Planning Officer, HJ added that there were also objections from the Design and Conservation Section in terms of a lack of protection of existing landscape features and their integration into the proposed scheme. It was explained that the Drainage Section had objected as there was no incorporation of Sustainable Urban Drainage Systems (SuDs), contrary to the National Planning Policy Framework (NPPF). The Principal Planning Officer, HJ noted that the Arboricultural Officer objected to the application in terms of loss of hedgerows and structural planting loss. It was added that other internal consultees had not listed any objections subject to conditions and appropriate Section 106 Legal Agreements.

The Principal Planning Officer, HJ noted that there had been 95 letters of objection to the application and a 684-signature petition against the application. Members noted that the Local Member for Parliament, Grahame Morris M.P. had submitted objections, as had the Campaign for the Protection of Rural England. It was noted that a summary of those objections was set out within the report.

The Committee were referred to the report noting that NPPF Paragraph 11 presumption in favour of development was not considered to be engaged, as there was likely harm to European Protected Sites which disengages it, there were conflicts with the saved Easington District Local Plan and NPPF and therefore the application was recommended for refusal. The Principal Planning Officer, HJ requested delegated authority to amend refusal reason two, to be more precise on the ecology related refusal reason due to the considered harms to European Protected Sites. He added that as there had been an amended plan with changes to proposed driveway lengths which the Highway Authority were satisfied with and therefore refusal reason six should be removed.

The Chairman thanked the Principal Planning Officer, HJ and asked Local Members, Councillors D Boyes and A Surtees to speak in relation to the application.

Councillor D Boyes thanked the Chairman and noted that both Local Members were speaking in objection to the application. He explained that there were a number of reasons why the application was contrary to local and nation plan policies, as set out within the Officer's report, including in terms of not making effective use of land, climate, conservation of the natural and historic environment. Councillor D Boyes noted he had over 10 years of experience in sitting on various planning Committees and noted that he had not seen this level of objection to an application. He reiterated that Policy 6 in relation to a strategic gap was even more important in the context of the large development at Low Hills, as explained by the Officer, and that he did not wish for Easington to be subsumed into Peterlee.

Councillor D Boyes noted the historical context of Easington Village, a village over 1,000 years old, mentioned within the Domesday Book. He added that while new developments were necessary, he explained that there was already around 1,200 homes in the pipeline for Easington, stoically accepted by residents, and that any more would be disproportionate.

Councillor A Surtees thanked the Chairman and reiterated that she was speaking on behalf of residents and in objection to the application. She noted the reasons as set out within the report, noting reason six no longer being used. Councillor A Surtees noted that there would be impact upon the village in terms of traffic, pressures on schools, health services and that, with overdevelopment, the individual identity of Easington village would be lost. She noted the points made in terms of the coalescence of the Peterlee and Easington Village should the application be approved and noted that there were numerous objections from statutory and internal consultees in terms of landscape, design, ecology, EU protected sites, drainage and a lack of affordable housing.

Councillor A Surtees noted the large amount of objections from members of the public and highlighted the number of policies from the Easington District Local Plan and NPPF that the application was contrary to. She agreed with the assessment made by Councillor D Boyes in terms of the number of properties already agreed from the Easington area, noting if all that were in the pipeline were agreed then this would double the number of properties in the village. She reiterated the point made that Easington was an ancient settlement, likely predating the tenth century, noting two Grade 1 Listed Buildings within the village. She concluded that the settlement boundary needed to be protected and that she would ask that the Committee agree with the Officer's recommendation for refusal.

The Chairman thanked the Local Members and asked the Chairman of Easington Village Parish Council, Councillor Len Morton to speak on behalf of the Parish Council.

Parish Councillor L Morton noted that at the meeting of the Parish Council that had looked at this application there had been over 100 people in attendance, a record amount. He noted that this spoke volumes as regards the local sentiment and added that at that meeting there was unanimous opposition to the application. He mirrored the comments made by Councillor D Boyes in that there was no opposition to housing or modernisation, however, a line needed to be drawn and that there needed to be a clear separation between the village of Easington and the town of Peterlee. He added that the application would result in a loss of attractive green space and important habitat, noting a burn running along the edge of the site.

Parish Councillor L Morton added that residents did not want all concrete and tarmac and that the application was contrary to Easington District Local Plan Policies 3 and 6. He added that the density of the proposals was also in question, noting it did not seem feasible. He concluded by asking that the Committee consider: the need to maintain the separate village character of Easington; the context of the number of already approved sites for development; and the potential loss of green boundary to the village; and to refuse the application.

The Chairman thanked Parish Councillor L Morton and noted there were no further registered speakers. She asked the Committee for their comments and questions on the application.

Councillor M Davinson noted that he had sat on planning committees for a while and he felt that in this case the developer had done half a job given there was less information than would be expected, the application was in the “green wedge”, and was without any assessment in terms of affordable housing or SuDs. He noted he agreed with the recommendation within the Officer’s report and proposed that the application be refused.

Councillor J Clark noted she was appalled that there was not a SuDs suggested for the site, with the site having a steep slope in the area towards the A19. She noted she seconded Councillor M Davinson in terms of refusal.

RESOLVED

That the application be **REFUSED**.

b DM/18/01333/FPA - East Durham Cathedral Farm, High Pittington, Durham

The Principal Planning Officer, Alan Dobie, 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, AD advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of a dwelling and was recommended for refusal.

The Principal Planning Officer, AD referred to plans, images and aerial photographs to show the context of the site, being set within the countryside to the north of Sherburn Village. He explained to Members that there were three businesses operating at the site: the main facility operating as an engineering business; an equestrian business; and a small agricultural business. Members noted that in 2013 retrospective consent was granted for those uses. The Principal Planning Officer, AD noted the application for a dwelling was to support those businesses. Members noted the buildings that already existed on the larger site, including an amenity building adjacent to the application site itself, used as a support facility for the engineering business, with a meeting room, kitchen and toilet facilities. The Principal Planning Officer, AD referred Members to proposed floor plan and elevations, noting a typical layout and design, with dormer style windows.

In respect of consultation with statutory and internal consultees it was noted there had been objections from the Highways Section as the development was in an unsustainable location. The Principal Planning Officer, AD explained that the Environmental Health section noted a condition should be added in relation to contaminated land.

Councillors were informed that the Landscape Officer had objected to the original scheme as being too large, and in respect of the amended scheme had noted that it should be accompanied by a landscaping scheme.

It was explained that Business Durham had commented that the information provided did not show a functional need for industrial premises, though a temporary structure could be considered in respect of the animal business.

The Principal Planning Officer, AD noted that there had been no objections from the public, no objections from Pitlington Parish Council, no objections from Sherburn Village Parish Council and no objections from Local Member Councillor D Hall.

The Principal Planning Officer, AD noted that the development was in the countryside and both the NPPF and saved local plan policies were against residential development unless there was an agricultural need and a financial justification.

It was noted that in terms of the agricultural business there were around 25 animals on site, and not the type that would require a need for a worker on site. The Principal Planning Officer, AD noted that it was also felt the business in its current position did not justify an on-site presence, and that there had been a separate consent for an agricultural building on land to the south of Sherburn Village which had been accompanied by a statement as regards expansion of this business at this site, away from the current application site.

In respect of the equestrian business, the Principal Planning Officer, AD noted that there was training facilities and a number of therapeutic activities including a horse spa, plate massage and equine hydrotherapy. He noted that the applicant had stated a need for 24-hour cover, especially in the context of the valuable nature of the horses being cared for and the nature of the care being given. The Principal Planning Officer, AD added that while it was agreed that there was a functional justification, at the current point there was not a financial justification in terms of the equine business. It was reiterated that the Planning Authority would support a temporary structure, such as a caravan, on a semi-permanent basis until such time that the financial justification was met by this business. The Principal Planning Officer, AD noted that the engineering business did meet the financial justification, however, the nature of the business and the close proximity of the current address of the applicant meant that it did not meet the functional justification.

The Principal Planning Officer, AD noted that recent figures showed that County Durham could demonstrate a supply of housing greater than five years and therefore the consideration of the application helping in terms of housing need would not carry significant weight. Councillors learned that Officers considered there was no impact on residential amenity, due to the lack of residential properties within the vicinity.

The Principal Planning Officer, AD explained that in terms of impact upon the streetscene/landscape the existing buildings on the site already intruded on the main views from Sherburn Village and Pitlington Road, however, the proposed development would not impact significantly and that with a suitable landscaping scheme there would not be sufficient grounds in this respect to warrant refusal.

Members noted in respect of highways, specifically access and parking, there had been no objections.

The Principal Planning Officer, AD reiterated that in terms of the site being a sustainable location, the Highway Section had objected in terms of lack of public transport, services and amenities.

It was noted there would be a distance in terms of shops and schools, the site being clearly reliant upon the use of a private car. It was added that the applicant had offered to carry out works to improve footpath links, however, this was not felt to be necessary as the benefits would be limited and would not warrant an approval of the application and would also include works to land outside the ownership of the applicant and therefore may not be able to be achieved. The Principal Planning Officer, AD noted that the Contaminated Land Section had no objection to the application, subject to an appropriate condition regarding remediation.

The Principal Planning Officer, AD noted in summary that while the businesses on the site helped support the local economy, the application overall in planning and sustainability terms would be assessed in terms of NPPF Paragraph 11. He added that the potential benefits in terms of the minimal boost to housing supply and personal benefit to the applicant were felt to be outweighed by the adverse impacts in terms of the application not being in a sustainable location, within the countryside and relying upon private vehicles, and with some adverse impact visually, albeit with some mitigation. Accordingly, the Principal Planning Officer, AD reiterated that the application was recommended for refusal.

The Chairman thanked the Principal Planning Officer, AD and asked Local Member, Councillor D Hall to speak in support of the application.

Councillor D Hall thanked the Chairman and Committee for the opportunity to speak and noted he had read and welcomed the Officer's report and understood that Officers would be cautious as regards granting permission for a new farmhouse. He added that the proposal was small in scale and noted there were few applications he would anticipate supporting as a local County Councillor, but he believed the application justified the granting of permission.

Councillor D Hall noted the owner had come from a humble background to build three, family-run, thriving and growing businesses. He added the applicant was the type of person who lived for their work, keeping himself, his family and growing number of employees very busy. He added that, for a rural business near to Sherburn Village properties, there had been no noticeable impact.

Councillor D Hall noted the three businesses included a steel fabrication business, which could operate up to 24 hours a day, carrying out work for some of the largest companies in the north east, such as Nissan and Jaguar Land Rover. He added the business built and trained skills within its workforce that could otherwise be difficult to find. Councillor D Hall noted the equestrian business provided training and specialist 24-hour care for horses and the growing agricultural business was having new livestock added.

He noted that in the past the site has suffered significant thefts and a business such as that was an obvious target with significant and expensive animal, metal and machinery on site. Councillor D Hall noted rural crime was a major problem and that a large theft had the potential to force a business such as this to close.

Councillor D Hall noted that application has no local objections and the business worked with local communities.

He added that there were a growing number of employees and there were apprenticeships for local young people and offered opportunities to those that may otherwise find accessing work difficult. He noted that the businesses sponsored local community and sports clubs, including local boxing champions, and its facilities have been used by local groups, including a local Parish Council and environment and walking group.

Councillor D Hall noted the Officer's report stated the NPPF "does not give any detail on how to assess whether there is an essential need or not for a person to live permanently at or near their place of work." He added that he believed the Officer's report explained the issue in a fair and balanced way although he felt it created an unfair scenario where each business was looked at separately as if they were on separate similar sites, not actually on the same site. He added that in his view that unfairly masked a clear justification for a dwelling on the site.

Councillor D Hall also noted the Officer's report set out that the main argument for refusal was that some elements of the businesses on site needed to be a little bigger, he added he felt this was clearly happening already. He noted that, while creating a "chicken and egg" scenario where a refusal recommendation used the potential growth it may block as a reason to recommend refusal, if the real situation on the ground was acknowledged with three very busy businesses that need a dwelling on site he hoped the committee will agree there is no real reason to refuse.

Councillor D Hall noted that the remainder of the Officer's report set out there were no other significant reasons for refusal. He added that applications were to be taken on a case by case basis and therefore, as there would be no precedent set were this application to be granted, he noted no reason he could see to refuse the application.

Councillor D Hall explained he felt such businesses were best served by having a dwelling on site, helping to ensure current and future operations and growth, and to help address some employment and skills challenges of our County and region. He added that small local businesses that were filling the supply chains should be encouraged and supported, including the hard-working, skills developing, flexible, gap-filling, competitive and community friendly business at the heart of the application.

Councillor D Hall added that if the Committee were minded to grant the application, as they were free to do so, it would protect the businesses mentioned and their beneficial activities, allowing them to grow sustainably within their low impact and cohesive site.

He noted that should Members choose not to grant permission, this could severely limit the potential of the businesses concerned and added that he did not want such a restrained, respectful, understandable and needed application to fail or any of the current benefits and significant future potential of this business to be put at risk. Councillor D Hall concluded by respectfully asking for the Committee to agree and grant the application.

The Chairman thanked Councillor D Hall and asked Local Member, Councillor B Kellett to speak in objection to the application.

Councillor B Kellett thanked the Chairman and Committee for the opportunity to speak in objection to the application. He explained that he had gone through the Officer's report and found it to be fair and balanced and supported the recommendation as set out for refusal.

Councillor B Kellett added that he had lived in the local area for 40 years and noted that the field had originally been owned by a larger farm and he had witnessed the site deteriorate into the state it was in now. He quoted a conversation he had with a local resident, an elderly lady who had asked "who was responsible for that eyesore?".

Councillor B Kellett noted he had visited the site on four occasions over the last few years and explained that on a visit with Parish Councillors it had been thought that the amenity building on site had been a bungalow. He added that on the first visit he had undertaken the site had been very quiet, with no noise coming from the buildings. He explained that this was because the workers were all away working out at various locales and that upon subsequent visits he had not seen anyone working on site, he had not seen anyone drive into the site, he had noted the garage was empty and did not see any reason for it.

Councillor B Kellett noted while the stable block was very nice, with room for around five or six horses, the land outside was divided in two by a beck, serving a mill around 100 years ago, and being the site of a historic murder. He added that in terms of the agricultural business, it comprised a few sheep, not cattle and doubted this supported the application. He concluded by noting he would ask the Committee to agree with the Officer's recommendation for refusal.

The Chairman thanked Councillor B Kellett and asked the Committee Services Officer to read out a statement on behalf of Mr Peter Thompson, a speaker who had unfortunately not been able attend the meeting:

"I have been a resident of Durham for over 50 years and have served the community in a variety of settings including as a County, City and Parish Councillor. I have known Paul Johnson, the applicant, for most of his life. Paul has always stood out as someone who is hard working and committed to success and his family. Paul is very much a self-made person and, in my opinion, will go on to be even more successful in the future. The continuing expansion of the businesses will necessarily place even greater pressure on Paul and the residential application, if successful, will go some way to support his need for a family life.

I am aware that the proposal which the Committee is considering is presented to you without opposition and indeed is supported by a great many, including both Parish Councils. One of the essential elements to the application is the need to be on hand, responsive and in residence not least to protect the extremely valuable live stock currently housed on the site and which is to be increased in the future.

I have no doubt in my mind that Paul will continue to be successful and that those successes will undoubtedly bring recognition and status to our Region. They most certainly address the County Council's declared priority to direct and support initiatives which drive forward economic regeneration and job creation. The decision in relation to the application lies with the Committee. You have had the opportunity to visit the site and observe the thriving and emerging businesses. I sincerely hope that you will be minded to support the application to enable a local and regional business base to continue to develop and invest in the local economy and create even more employment. Thank you for your time."

The Chairman thanked the Committee Services Officer and asked Mr Mark Ketley, agent on behalf of the applicant, to speak in support of the application.

Mr M Ketley noted he had been involved in the design and explained that he was from County Durham and understood the issues and sensitivities of the area. He thanked the Officer for their balanced report, however, he felt it could be put forward for a different decision in terms of the NPPF balance. He noted that the recommendation had hinged on two factors, sustainability and function/financial feasibility.

Mr M Ketley noted in respect of sustainability, the site was 300 metres from Sherburn Village and 600 metres from High Pittington, with access to all the services and amenities offered by those villages. He added that the location was only a few miles from the A1(M) and Durham City, with its train station.

In respect of finance and function, Mr M Ketley noted the comments from the Officer and Councillor D Hall with their views on how each business could be assessed. He added he disagreed with the Officer's view of only function in respect of the equine business and finance for the engineering business. He noted the unit was not a factory, it was the base for PJI Engineering a fabrication support business, which as alluded to previously, serving important local clients such as Nissan and Jaguar/Land Rover. He added that in order to be able to provide the vital 24 hour a day, 365 days a year rapid response those type of companies required, an on-site presence would be extremely beneficial. He added that the 25 employees, soon to be 26, demonstrated the element of managing employees and that there was a case in terms of the functional aspect. He added that the financial aspect was in effect recognition of the functional case for this, in addition to the equine business and therefore, in line with the NPPF, he asked that the Committee grant the application.

The Chairman thanked Mr M Ketley and asked the Principal Planning Officer, AD if he had any comments in terms of the points and issues raised by the speakers.

The Principal Planning Officer, AD noted he had some comments in respect of some of the points raised by Councillor D Hall. He noted in terms of rural theft, this was an issue, however, this potential in itself did not necessitate a dwelling and noted many other businesses operated satisfactorily with alarms and CCTV equipment at their sites. In terms of the applicant being a valued local employer, the Principal Planning Officer, AD noted this was laudable and was to be supported, however, this did not override the concerns in terms of planning. He explained to Members that in respect of the issue of the three businesses being considered separate when looking at financial and functional viability, each element was looked at in this way as if one element were to fail then the whole assessment would fail. The Principal Planning Officer, AD noted that therefore each business was considered alone.

He reiterated that when looking at the other businesses in terms of financial viability, it had been suggested that more evidence on growth could be gathered over time and that a temporary accommodation on site would be an acceptable way of managing until such evidence was forthcoming. He added that it was felt any permanent structure was premature at this stage. The Principal Planning Officer, AD noted that in terms of Councillor D Hall's comment that not to grant permission would limit the business, he referred back to the advice in terms of temporary accommodation on site, until the relevant profitability evidence was gathered.

The Principal Planning Officer, AD noted in response to issues raised by Mr M Ketley, he would refer Members to paragraph 64 of the report, with the assessment by the Highway Section setting out that: the nearest school in Pittington was 980 metres away from the application site; the nearest school at Sherburn was 1,200 metres away; the closest shops at Sherburn being 1,246 metres away; and the two nearest bus stops being 655 and 760 metres away.

The Principal Planning Officer, AD noted speakers had put forward a case that the engineering business required on site presence as there was a potential for 24 hour a day call out. He reiterated that the applicant's current property was approximately seven minutes away from the site and therefore was unconvinced that there was sufficient justification in terms of functional need relating to that business.

The Chairman thanked the Principal Planning Officer, AD for his responses to the points raised and asked the Committee for their comments and questions.

Councillor D Freeman noted the point raised by Councillor B Kellett in terms of an existing bungalow at the site. The Principal Planning Officer, AD noted there was no bungalow on the application site and explained that the structure referred to, while having the appearance of a bungalow, was an amenity building on adjacent land, providing facilities for employees of the engineering business.

Councillor O Temple noted he had attended the site visit and asked if the site plan, aerial photographs and views could be displayed on the projector screen. He referred to the views and noted they were dominated by the large agricultural looking building housing the engineering facility. He noted the "amenity bungalow" that amounted to more than a portaloo, however he felt that given its size it was not dominant in terms of the view.

Councillor O Temple noted that he had witnessed the amount of investment that had taken place at the site and the equipment that had been purchased. He added initially he had some cynicism in terms of the requirement for a property on site, however, when looking at all the businesses together he felt it was clear that there was a passion for them. Councillor O Temple noted that the amenity building was quite well shielded and noted that if the Committee were minded to approve the application, both the Contaminated Land and Landscape Sections had noted no objections subject to conditions.

He added that he asked himself what potential harm was there from the application, and he saw negligible harm or none. Councillor O Temple noted each application was to be judged on its own merits and noted the phrase “rules are for the obedience of fools and the guidance of wise men” and proposed that the application be approved.

Councillor P Jopling seconded that the application be approved.

Councillor D Brown noted the comments of fellow Committee Members and remarked that he had seen no sign of an agricultural building, just the engineering facility, amenity building and the stables.

The Principal Planning Officer, AD noted that should the Committee be minded to approve the application, were they also suggesting that it would be subject to the usual conditions, including those mentioned, and for delegated authority for Officers to draft the appropriate conditions. He also asked if Members had any specific ideas in terms of any tie-in of the use of the dwelling with the businesses on site.

Councillor O Temple noted he was not sure in terms of any requirement for a tie-in, rather that if the Committee were convinced that there was reason for the dwelling on site, to serve the businesses. He was not sure there was a need for such a condition. The Principal Planning Officer, AD noted that it was for the scenario when considering the harm to residential amenity of the dwelling should it be sold on to a third party. Councillor P Jopling noted an example that if a person purchased a house next to Heathrow they would not realistically be able to complain about aircraft noise in the future. She added given the amount of investment at the site she felt it was unlikely the applicant was wanting to sell on and commented that she felt that with a sensible landscape scheme the building would be unobtrusive.

The Solicitor – Planning and Development, Neil Carter noted that in terms of the justification for the dwelling linked to any businesses in the countryside, normally one would expect the occupancy to be tied to the business to avoid a future loss of the house to the market and advised that therefore there should be careful thought in terms of how this would be framed. He suggested that Members could be minded to leave this to be formulated by Officers when looking at the usual conditions for such an application. Councillor O Temple noted he was happy for Officers to have delegated authority as regards this and the conditions. Councillor M Davinson suggested delegated authority for Officers in consultation with the Chairman of the Committee, the proposer and seconder agreed.

RESOLVED

That the application be **APPROVED** subject to a suite of conditions to be delegated to the Planning Officer, in consultation with the Chairman of the Committee.

c DM/18/02975/FPA - William Robson House, Claypath, Durham

The Senior Planning Officer, Paul Hopper, 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 Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for extension and conversion of the multi-level decked car park to form 4 no. 1-bed apartments and 8no. 2-bed apartments (C3 Housing) (Resubmission) and was recommended for refusal.

The Senior Planning Officer referred Members to the site plan and highlighted the application site, former printworks to the west which had permitted development for 30 dwellings, and nearby residential housing. He noted proposed elevations and clarified that within the report that No.1 Blue Coat Court was referred to as the most affected, however, that property was actually No.4 Blue Coat Court.

Members were informed that the proposals extended the existing footprint and was for 4 storeys with some roof space. It was highlighted that the eastern elevation was blank, this being the elevation most visible from the nearby residential properties.

The Senior Planning Officer noted there had been no objections from statutory consultees and representation had been received from the City of Durham Parish Council, a summary of which was within the report, and a representative was in attendance to address the Committee. Members were informed that in respect of internal consultees, the Landscape Section noted that adjacent trees would likely come under increased pressure for heavy pruning from future occupants and that therefore it was likely the development would result in significant adverse landscape and visual effects post construction in conflict with saved policies E6 and E14 of the saved City of Durham Local Plan. It was added that other consultees offered no objection subject to conditions.

The Committee were informed that there had been six letters of objection from the public, with the main issues raised being impact on residential amenity and the noise and disturbance during development. It was noted the application was within the Conservation Area and in proximity to the World Heritage Site of the Cathedral and Castle.

The Senior Planning Officer noted that in terms of the principle of development, NPPF Paragraph 11 required permission to be granted unless adverse impacts outweighed the benefits.

He added that the application site was in a sustainable area, close to a number of shops, employment opportunities and transport links within the City Centre. The Senior Planning Officer noted that loss of residential amenity of surrounding occupiers and the detrimental impact upon visual amenity of the area. He added that the increase in housing supply was slight and was in the context of being able to demonstrate over five years supply of housing land.

Members noted that while there had been some concern raised in terms of the possibility of the development effectively becoming a Purpose Build Student Accommodation (PBSA), upon speaking to the developer it had been confirmed single use, and the application was for C3 use.

The Senior Planning Officer noted that accordingly, the application was recommended for refusal on the basis the application would be contrary to saved City of Durham Local Plan Policies H7, H13 and E14 and paragraphs 11, 127 and 180 of the NPPF.

The Chairman thanked the Senior Planning Officer and noted Councillor D Freeman, a Member of the Committee was also a Local Member in respect of the application and asked if he wished to speak first in relation to the application.

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 no input into their comments on the application. He noted that upon listening to the Officer's presentation he supported the recommendation for refusal as set out. He added he felt there were major flaws in the application and that amenity for adjacent residents would be adversely affected, especially in the context of the blank, featureless gable which Officers had said was not acceptable. Councillor D Freeman noted that should the application be approved he believed there would be serious negative impact upon the landscape. He noted that the site felt "pokey" and he could not see it being targeted at anyone other than students, however, he appreciated that the application being considered was for C3 use, though his fear was for future applications in terms of a change of use for C4 use.

The Chairman thanked Councillor D Freeman and asked Parish Councillor, John Ashby, representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor J Ashby noted he was pleased on behalf of the City of Durham Parish Council to congratulate the Council's Planning Officer on his meticulous report. He added he could simply say that the Parish Council fully supported the report, but he wanted to underline some key points.

He added that the Parish Council in principle welcomed C3 developments in the area that provided residential accommodation for year-long occupation. He noted that the site was an ideal location for such development, especially suitable for elderly people because of its proximity to the city centre.

Parish Councillor J Ashby noted that there were five matters of great concern which supported the Planning Officer's recommendation.

He noted that firstly, the submitted Transport Statement (paragraph 3.2.8) stated that *“it is anticipated that the apartments could prove attractive to students...”* and highlighted that this was a clear indication of the apartments being in effect a PBSA scheme.

He asked Members to note that secondly, waste collection service required wheelie bins to be placed on the public highway for emptying and then to be returned to within the curtilage of the property.

It was explained that Claypath was often obstructed by wheelie bins from apartments further up Claypath and noted this issue must be addressed, noting including permitted development, 42 domestic wheelie bins in total would totally block pedestrian movement on Claypath,

Parish Councillor J Ashby noted that thirdly, no car parking provision was made and that whilst this was in principle a worthy stance, in practice some of the residents would have a car and would attempt to park somewhere in the area, exacerbating the current situation in which cars searching for a parking place slow down and obstruct traffic flow on Claypath and Lower Gilesgate.

He explained that fourthly, operational conditions would be needed and enforced to manage the entry and exit of construction and building materials lorries, learning from the difficulties with the Student Castle site opposite that is having a major detrimental impact on traffic flows, pedestrians and retailers in Claypath.

Parish Councillor J Ashby noted that fifthly, essential provision to meet accessibility requirements was not shown.

With reference to the Planning Officer’s report, Parish Councillor J Ashby noted paragraph 47 states that the Education Authority had advised that existing school places within the locality could accommodate the anticipated increase in the demand for primary and secondary school places. He noted that that was puzzling; the only primary school in the vicinity was the “Independent Grammar School” which is a non-regulated establishment. He added there were no schools in the vicinity where the Education Authority could place pupils.

Parish Councillor J Ashby highlighted that, in paragraph 112, the sum of £22,924.50 was identified as the appropriate Section 106 commuted sum for open/play space provision if planning permission were to be granted. He noted that the Parish Council would be happy to assist in finding a suitable location for such provision.

In conclusion, Parish Councillor J Ashby reiterated that the Parish Council fully supported the Planning Officer’s recommendation and grounds for refusal.

The Chairman thanked Parish Councillor J Ashby and asked Members of the Committee for their questions and comments.

Councillor J Clark referred to paragraph 100 of the report regarding narrow access and asked if that was the only access to and from the site. The Senior Planning Officer confirmed this was the case.

Councillor J Clark noted that paragraph 46 referred to financial contribution based upon 20 units, however, the application was for 12 apartments.

The Senior Planning Officer explained that within the building with permitted development, a number of the proposed units were outside of the amount allowed under such permitted development and would be subject to separate consideration. He added that however, the open space calculation was cumulative, so as it was set out within the report was correct.

Councillor M Davinson proposed that the application be refused in line with the Officer's recommendation and he was seconded by Councillor J Clark.

RESOLVED

That the application be **REFUSED**.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00324/AD
FULL APPLICATION DESCRIPTION:	4 no. vertical halo illuminated signs
NAME OF APPLICANT:	SC Claypath Ltd
ADDRESS:	20-29 Claypath, Durham, DH1 1RH
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site relates to a site at 20-29 Claypath within Durham City Centre, on which a Purpose Built Student Accommodation (PBSA) development is currently under construction. The site lies immediately to the south west of Christchurch which is a Grade II listed building, and to the north of the former Council offices at no.17 Claypath.
2. The site lies within Durham City Centre Conservation Area, and Claypath is acknowledged as being an historic primary route to the heart of the city centre and peninsula, and contains several listed buildings, of which nos.32, 83, 91 and 91A, as well as The Big Jug Public House are considered to be closest.
3. Claypath itself contains a mix of uses including both commercial and residential, and a number of properties display signage, some of which is externally illuminated.

Proposal

4. Advertisement Consent is sought for 4no. vertical illuminated halo signs. These will take the form of individually cut stainless steel letters of approximately 80mm depth and lit by Warm White LEDs with illumination not exceeding 250cd/m² and will identify the property as "StudentCastle". The overall height of the signage would be 2.1m.
5. Of the four proposed signs, two would be located on the front elevation of the building, located within natural recesses above both the pedestrian entrance to the building, and also the gated vehicular access, these signs would be located 5.8m and 5.2m above ground level respectively at their lowest points. The remaining two signs would be located on both the eastern and western gable ends, close to the front elevation. The western sign would effectively be located above the Gala Theatre Service Yard entrance, 7m above ground level, and the eastern above the service access road adjacent to Christchurch, around 6.1m above ground level.

6. The application is being presented to the Council's Central and East Planning Committee at the request of City of Durham Parish Council.

PLANNING HISTORY

7. DM/18/02897/AD - Advertisement consent for temporary advertisement hoarding (Retrospective) – Approved 14.01.2019
8. DM/16/03213/VOC - Variation of Condition 2 of planning permission DM/14/03842/FPA to provide 28 additional student bedrooms (new total of 473 bedrooms), amend layout, materials and design, and allow use of 47 bedrooms for visitor accommodation for short stays on an aparthotel basis. (Amended Description) – Approved 06.06.2017
9. DM/14/03842/FPA - Demolition of buildings and redevelopment to provide student accommodation (445 bedrooms), associated offices & A1 retail unit at ground floor – Approved 13.07.2015

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in February 2019. 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.
11. 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.
12. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

15. *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.
16. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *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.
18. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; advertisement consent, neighbourhood planning and use of planning conditions

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

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

20. *Policy E3 – (World Heritage Site)* – Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
21. *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.
22. *Policy E21 – (Historic Environment)* – states that the historic environment of the district shall be preserved and enhanced by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site, and encourage the retention, repair and re-use of buildings and structures which are not listed, but are of visual interest.
23. *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

24. *Policy E23 – (Listed Buildings)* – seeks to safeguard listed buildings and their settings by only permitting alterations and extensions to listed buildings which are sympathetic in design, scale and materials; not permitting alterations to architectural or historic features which adversely affect the special interest of a listed building; not permitting total or substantial demolition of a listed building; and, not permitting development which detracts from the setting of a listed buildings.
25. *Policy Q16 (Advertisements – General Criteria)* – states that advertisement consent will be granted for non-illuminated and illuminated signs provided that their size, design, materials, colouring, and in the case of illuminated signs, on commercial premises for appropriate uses and particular opening hours, their form of illumination would not be detrimental to visual amenity or highway safety. It also states that particular attention will be paid to the impact of advertisements upon the character and setting of listed buildings and the character and appearance of conservation areas in accordance with policies E6, E22 and E23.

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/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

RELEVANT EMERGING POLICY:

The County Durham Plan

26. Paragraph 48 of the NPPF states 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' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Durham City Neighbourhood Plan

27. The Durham City Neighbourhood Plan is at an early stage of preparation and has not yet reached a stage where weight can be afforded to it.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. *City of Durham Parish Council* – Object to the application. It is noted that the proposed signs are in a prominent location near the historic Market Place with its Grade II* listed Town Hall, and in Claypath itself, the listed buildings of Christchurch and nos. 32, 83, 91 and 91A, as well as The Big Jug, and within Durham City Centre Conservation Area. The Parish Council does not believe that it is necessary to have illuminated advertisements promoting the business and the brand, nor for those arriving at the property for the first time. It is considered that there are very effective non-illuminated signs, and having found the property for the first time, it would appear unnecessary for the student residents to have to be reminded every day and night thereafter of where they live in Durham. The Parish Council considers that the proposed signs being illuminated would have an adverse impact upon significant features of historic interest within, or adjacent to the site, and would detract from the character and appearance of the conservation area. The Parish Council also request that should officers be minded to support the application, that it be called to planning committee.
29. *Highway Authority* – No objections are raised.

INTERNAL CONSULTEE RESPONSES:

30. *Design and Conservation* – No objections are raised. In considering this proposal policies E6 and Q16 of the City of Durham Local Plan are of particular relevance. For completeness the impact on the WHS has also been considered but given the intervening topography and development there is considered to be no impact on this either in daytime or night-time.
31. The form and chosen location of the proposed signage reflect the design of the overall building being simple and clean whilst following the vertical rhythm of the newly created blocks. Given the direction of travel of both pedestrians and vehicles in Claypath the use of solely the gable signage may suffice as points of identification, however, the inclusion of the two signs to the front elevation as submitted does not unduly increase the prominence of the overall scheme.
32. Given the scale, location and quantum of signage proposed and the subtle halo illumination it is considered that the proposal will not be harmful to visual amenity within the local environment and thus will not be harmful to the significance of designated assets or their setting in the context of a vibrant historic city centre.

EXTERNAL CONSULTEE RESPONSES:

33. *Durham Constabulary* – Originally objected to the proposals on the basis that University College is known commonly as “Castle” and hosts students, and that there would be potential implications for emergency response, and opportunities for confusion having two “student castles” within such close proximity. However, following further internal discussions within Durham Constabulary, it has become apparent such problems are not unknown, and that Durham Constabulary Command and Control systems can be updated to mitigate the possibilities for confusion. As a result, the objection has been withdrawn.

PUBLIC RESPONSES:

34. The application has been advertised by means of individual notification letters and site notice.
35. No comments have been received from individual properties, or businesses, however two objections have been received from St Nicholas Community Forum and the City of Durham Trust.
36. *St Nicholas' Community Forum* – Object to the application. Concern is raised over the naming of the building as “Student Castle”, and reference is made to previous discussions that have taken place between the Forum and the County Council’s Street Naming and Numbering Team. The concern raised is that Durham University College is widely known across the city community as “Castle”, and that to have two student residences in close proximity with virtually the same name could too easily give rise to a detrimental effect in an emergency. Reference is made to correspondence received from the Council’s Street Naming Officer which confirms that the developer’s business name “Student Castle” will not be used in the building name for the development.
37. *City of Durham Trust* – The vertical arrangement and size of the lettering is appropriate, but the proposed illumination, even though of the halo variety, must be questioned. It is a building which will be open at all hours because of the lifestyle of the residents, not to attract night-time customers. An appropriate precedent among PBSAs is the lettering on Duresme Court. A Claypath precedent, visible in the northwards cone of vision with Studentcastle, is the lettering on the face of Millennium Place advertising the Gala Theatre.

APPLICANTS STATEMENT:

38. The construction of the building providing 445 bedrooms for students with retail use on the ground floor is almost complete and is due to open later this year.
39. This advertisement consent application is for the display of four signs to signpost and advertise this business and the Student Castle brand within the street scene. Two of the signs will be located on the left and right of the principle south facing elevation, fronting Claypath. The other two signs will be located on the east and west facing elevations and will be visible along Claypath. The signs are an integral part of the development's design and are an important part of directing students and visitors to the accommodation and ultimately ensuring the commercial success of Student Castle's development. The design of the signs is of a high quality and will enhance the appearance of the building. The signs will consist of individual stainless-steel symbols and letters, which will be internally illuminated by warm white LED's to highlight the 'Student Castle' name and logo. The signs will in no way detract from the character or the appearance of the conservation area or the overall street scene.
40. When assessed against the policies of the NPPF (February 2019) and the saved policies of the Durham City Local Plan, the proposed signs comply with all relevant criteria. It therefore our view that this application should be approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PM8YQRGDHJG00>

PLANNING CONSIDERATIONS AND ASSESSMENT

41. Advertisements are controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007. This enables the Local Planning Authority to consider such proposals in terms of the interests of 'amenity' and where applicable, 'public safety', taking into account the provisions of the development plan where material, and any other relevant factors.
42. Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that poorly placed advertisement can have a negative impact upon the appearance of the built and natural environment. It goes on to state that the separate consent for advertisements should be operated in a way which is simple, efficient, and effective. Furthermore, advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts.

Amenity

43. Planning Practice Guidance clarifies that unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals. It also clarifies that amenity can include aural and visual amenity, and that factors relevant to this can include the presence of any historic, architectural, cultural or similar interest. It also states that in practice amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a site, where residents or passers-by will be aware of the advertisement.

44. In addition, policies with the Development Plan may also be taken into account where relevant. In this respect, given the location of the site within Durham City Conservation Area, in close proximity to several listed buildings, and within the inner setting of Durham Castle and Cathedral World Heritage Site, CDLP Policies E3, E6, E21, E22 and E23, which relate to the protection of such heritage assets are considered relevant, as is CDLP Policy Q16 which relates to advertisements.
45. As outlined above, objections have been received from the Parish Council, as well as City of Durham Trust relating to the visual impact that the proposed signage would have upon heritage assets and questioning the need for illumination.
46. The design of the proposed signage is considered to be acceptable, being well considered in terms of approach and location, as well as scale.
47. CDLP Policy Q16 in part advises that illuminated advertisements should be located on commercial premises for appropriate uses and particular opening hours, although it does not specify what an appropriate use comprises or provide any detailed advice with regards to particular opening hours. The development in question is of a mixed-use, although the signage proposed appears to relate solely to the residential element which forms a substantial part of the development. The development to which the adverts relate is residential and does not have defined operational hours, albeit the site is also run commercially by a PBSA provider. It is considered reasonable that branding be applied to the building in common with many PBSA schemes both within Durham and in other cities. The concerns of the City of Durham Trust and Parish Council are noted, however, it is conceivable that residents, and more likely, visitors may wish to easily identify the property during hours of darkness and it is considered reasonable to allow them do so. Therefore, there is no issue in principle with the signage being illuminated and notwithstanding this the key consideration is ultimately a matter of the acceptability of the amenity impacts which are primarily visual.
48. The proposed form of illumination is considered to not be harmfully conspicuous, using LEDs of 250 candelas/m² to backlight individual letters meaning that it would not be excessively bright or harsh. Additionally, the signage on the front elevation would be located with recesses in the building line, and the signage on the ends of the building would be located with relatively narrow vehicular accesses which restricts the views within which they would be visible. Claypath itself is characterised by a number of different uses, many commercial, and exhibiting various signage, some illuminated by a variety of methods. As a result, it is considered that the proposed signs would not appear incongruous or harmful in this city centre context, in accordance with CDLP Policy Q16.
49. In terms of impacts upon heritage assets, turning first to the setting of the World Heritage Site, it is considered that due to intervening topography and existing built development, the level of illumination proposed, and the generally discreet location of the signage, both local and long-distance views would not be impacted upon adversely, in accordance with CDLP Policy E3.
50. Equally, it is considered that the signs would not have an adverse impact upon Durham City Centre Conservation Area. Whilst illuminated signage in some parts of the Conservation Area may not be appropriate, in this location, where there is a mix of commercial uses with existing illuminated signage and taking into account the particular illuminated signage proposed it is considered that there would not be any harm on heritage assets, in accordance with CDLP Policies E6, E22 and E23 or the historic environs of the site having regards to Policy E21, thus preserving the character and appearance of the Conservation Area. The Council's Design and Conservation Team raise no concerns with the proposed signage.

51. Overall the design, appearance and siting of the advertisements proposed are considered acceptable in amenity terms having regards to both the general characteristics of the locality and having regards to heritage assets which include those upon which the Local Authority have statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. The advertisements raise no issues with regards to aural amenity considerations.
52. Therefore, with regards to issues of amenity, the advertisements are considered compliant with CDLP Policies E3, E6, E21, E22, E23 and Q16 and Parts 12 and 16 of the NPPF. Policies E3, E6, E22 and E23 are partially consistent with the content of the NPPF and E21 and Q16 fully consistent and each can be attributed weight in the decision-making process.

Public Safety

53. The Town and Country Planning (Control of Advertisements) Regulations 2007 state that factors relevant to public safety include;
 - i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - ii) whether the display of the advertisement is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
54. This, however, is not an exhaustive list, and it is considered that uncommonly, matters of safety beyond those cited may constitute issues that require consideration, and that such issues could include concerns raised by St Nicolas' Community Forum relating to public safety arising from confusion as a result of the building becoming known as "StudentCastle".
55. It is understood that the primary concern relates to the fact that University College, which provides student accommodation at Durham Castle is commonly known colloquially as "Castle" or "Castle College", and that 20 – 29 Claypath becoming known as "StudentCastle", would lead to potential confusion when reporting incidents to the emergency services, where either location could conceivably be described as castle-related student accommodation.
56. Before considering this issue further it is important to note that the actual name of this building on Claypath does not fall within the remit of this application, and the Council's Street Naming and Numbering Team have confirmed that the building is formally named "20-29 Claypath". However, it is considered to not be unreasonable for a commercial brand to identify themselves on a building which they occupy, and "StudentCastle" is an established brand that operates student accommodation in 7 different cities across the country. It is not a proposed name for the building. Notwithstanding this, Officers accept that it is reasonably likely that the building will become known locally as "StudentCastle", however it is also considered that this could occur regardless of the presence or otherwise of signage on the exterior of the building due to it being the name of the operator.

57. On the issue of potential confusion, Durham Constabulary originally raised concerns with regards to this application, however following further internal discussions with the Constabulary's Command and Control section, it became apparent that emergency service systems can be updated to take account of the issues of concern, and the objection was subsequently withdrawn.
58. Indeed, for context, it is noted that there are several instances within the Durham City of there being buildings of similar name, usually where a commercial operator has more than one outlet. Some examples within the city centre include Greggs Bakery (North Rd & Saddler St plus Arnison Centre), Flat White Café/Flat White Kitchen (Elvet Bridge & Saddler St), JD Wetherspoon/Lloyds No.1 (sometimes also referred to as being a Wetherspoon premises) (North Rd & Millennium Place), and Tesco (North Rd & Market Place – plus Dragon Lane). Further examples within the wider city include Lebaneat (North Bailey & Sunderland Rd), Bell's Fish & Chip Restaurant (Market Place, Sunderland Rd & Old Pit Lane), Boots Chemist (Prince Bishop's Shopping Centre, Durham City Retail Park & Arnison Centre), New Look (Prince Bishop's Shopping Centre & Arnison Centre), and Premier Inn (Rotary Way, Freeman's Place & Belmont Industrial Estate).
59. In conclusion therefore, the concerns raised by St Nicholas' Community Forum with regards to potential confusion of properties have been considered, and with Durham Constabulary having confirmed that the building being known as "StudentCastle" would not lead to confusion within the emergency services so as constitute an issue of public safety concern, it is considered that it would be unreasonable to withhold advertisement consent on this basis. Additionally, it is considered that the proposed signage would not lead to any highway, railway, waterway, dock, harbour or aerodrome safety concerns. Nor would it obscure road signs, CCTV or speed cameras. Accordingly, the proposed signage is considered to be acceptable having regards to matters of public safety.
60. Additionally, it is also considered that any potential issues would not necessarily be directly related to the signage itself, or more pertinently, that the refusal of this particular application would not prevent the site becoming known as "StudentCastle" in any case. As a result, in regard to matters of public safety the proposals are considered compliant with CDLP Policy Q16 and Part 12 of the NPPF.

CONCLUSION

61. The Town and Country Planning (Control of Advertisements) Regulations 2007 state that applications for advertisement consent should be considered only in terms of their impact upon amenity and public safety.
62. With regards to amenity, it is considered that the signage would be appropriately designed and located, and despite its illumination, would not have an adverse impact upon the character of the area or either designated or non-designated heritage assets. It would therefore preserve the character and appearance of the Conservation Area and the setting of the listed buildings in accordance with sections 66 and 72 of the Listed Building Act. The Council's Design and Conservation Officers raise no objections to the proposal.
63. Turning to public safety, no objections are raised by the Highway Authority or Durham Constabulary, and the signage would be designed and located so as to not affect highway safety.

64. The concerns of Durham City Parish Council, City of Durham Trust and St Nicholas' Community Forum have been considered but are not considered to raise issues that would warrant the refusal of the application, which is considered to be in accordance with CDLP Policies E3, E6, E22, E21, E23 and Q16, as well as key advice within the NPPF most notably in Parts 12 and 16.

RECOMMENDATION

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

- 1) This consent to display the advertisements is for a period of five years from the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Part 12 of the NPPF.

- 2) The development hereby approved shall only be carried in strict accordance with the following plans:

ADVERTISMENT PLACEMENT PLAN BUILDING ELEVATIONS EXISTING AND PROPOSED SITE GA PLANS - SITE LEVEL 2 STUDENT CASTLE ADVERTISEMENT DESIGN FOR ELEVATIONS	103s	01/02/19 01/02/19 01/02/19 01/02/19
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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan.

- 3) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a condition which does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.

- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.

- 5) Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.

- 6) No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.

- 7) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway sign or aid to navigation by water or air, or so as to otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

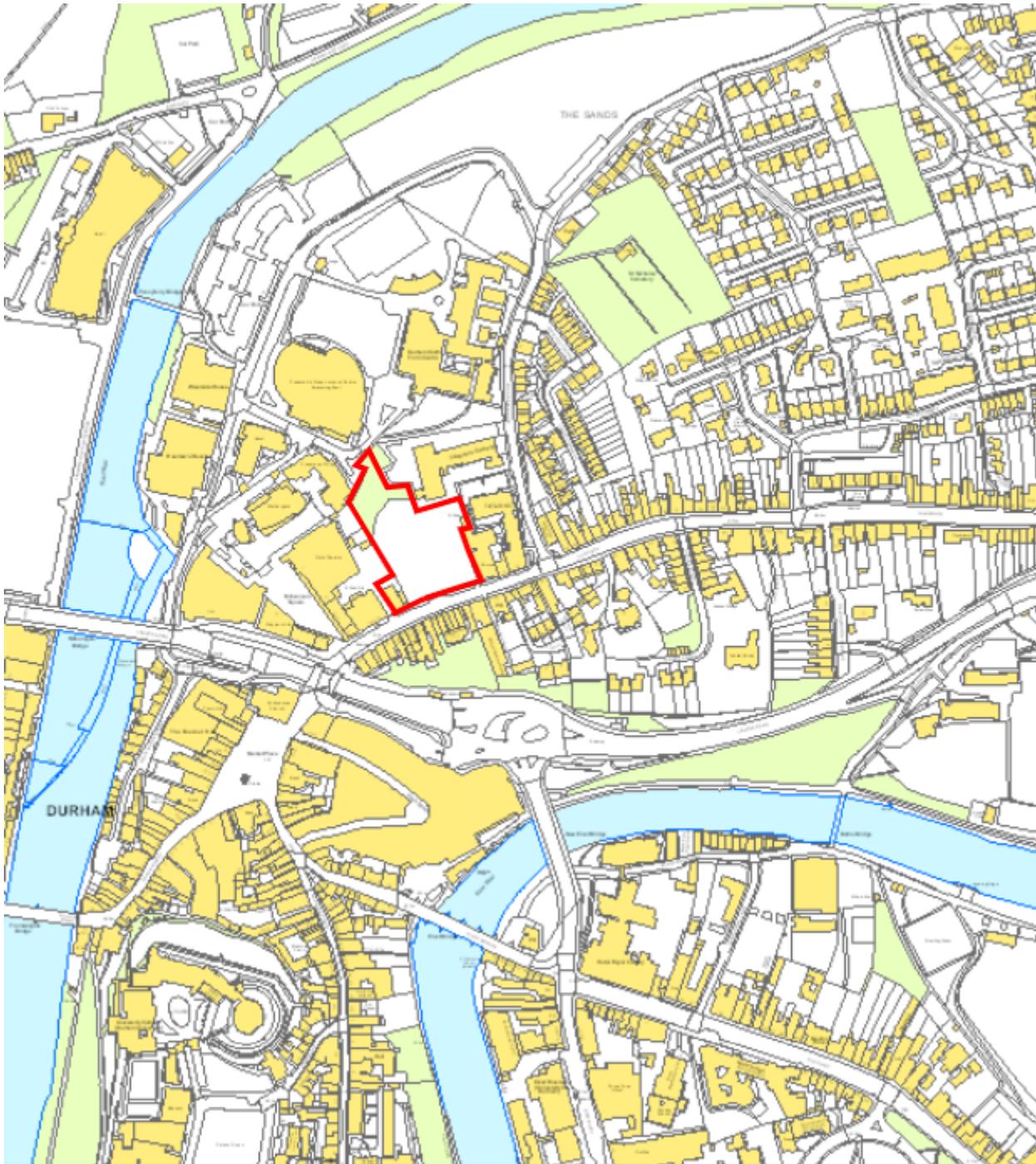
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.

- 8) The intensity of the illumination of the sign(s) hereby approved shall not exceed 300 candelas per square metre and the source of illumination shall not be intermittent or flashing.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.

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 2004
- Statutory, internal and public consultation responses.



Planning Services

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DM/19/00324/AD

4 no. vertical halo illuminated signs at 21-29 Claypath, Durham, DH1 1RH

Comments

Date April 2019

Not to Scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/19/00601/FPA

FULL APPLICATION DESCRIPTION: Loft conversion with flat roof dormers and velux windows, installation of solar panels

NAME OF APPLICANT: Mrs Ingrid Rowe
Petite Mer
St Oswalds Square

ADDRESS: Pity Me
Durham
DH1 5ET
Framwellgate Moor

ELECTORAL DIVISION:

CASE OFFICER: John Russell
john.russell@durham.gov.uk
03000 263428

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site relates to a detached property situated within its own enclosed plot within St Oswald Square and Acorn Place in Pity Me, Durham City. The property has benefited from the erection of a conservatory to the front elevation in 2007. The property has also had internal alterations which did not require planning consent but did require Building Control approval in 2017 to normalise an unauthorised loft conversion undertaken by the previous owner.

PROPOSAL:

2. Full planning permission is sought for a loft conversion and the installation of 2 separate box dormer windows on the eastern elevation, a large box dormer window on the northern elevation, 2 velux windows on the western elevation and 3 velux windows on the southern elevation. It is also proposed to install solar panels to the roof on the western and southern elevations of the property.
3. Internally the building is to be reconfigured to provide 3 additional bedrooms in the loft conversion, along with an en-suite, bathroom, wardrobe room and cupboard space. The loft space currently has a staircase and balustrade leading to a landing area with 3 separate storage areas with 2 velux windows installed.
4. The application is brought before members of the planning committee due to the spouse of the applicant being a local council member and the receipt of objections to the proposal.

PLANNING HISTORY

5. No relevant planning history

PLANNING POLICY

NATIONAL POLICY:

National Planning Policy Framework

6. 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.
7. 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.
8. 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.
9. 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

10. Policy Q1 & Q2 (*New development - General principles*) The layout and design of all new development should take into account requirements of uses.
11. Policy Q9 (*Alterations and extensions*) Proposals for alterations and extensions to residential property will be permitted provided that the design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area; and wherever possible the alteration or extension incorporates a pitched roof; and the alteration or extension respects the privacy of adjoining occupiers of property.
12. Policy Q10 (*Dormer Windows*) Proposals for dormer windows will be permitted provided that roof spaces have adequate headroom for a habitable room without further extension, window design bears a relationship to existing fenestration and materials match the existing property. It is in proportion with the existing building as a whole and the roof in particular and the design incorporates a gabled, hipped or 'catslide' roof and is positioned well below the ridgeline. It does not result in any loss of privacy for surrounding properties.

13. Policy H13 (*Residential Areas - Impact upon Character and Amenity*) 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 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.
15. Policy U14 (*Energy Conservation – General*) The council will encourage the effective use of passive solar energy, along with the use of energy efficient materials and construction techniques.

EMERGING POLICY:

16. 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:

17. Ward Councillors were consulted on the 28th February 2019 and no response to the application has been received to date.

INTERNAL CONSULTEE RESPONSES:

18. Highways Section – The councils Highways Officer was consulted on the 28th February 2019, the initial response requested further details regarding the parking arrangements. Following further information provided by the applicant the councils Highways Officer is satisfied that two vehicles could park within the curtilage and there is a parking layby within the street and therefore raises no objections.
19. Ecology – The councils Ecology Officer was consulted on the 28th February 2019 and has raised no objections as the area is a low risk for bats. However, they have requested that an informative advising on conditions relating to bats is attached to any consent if the application is approved.

PUBLIC RESPONSES:

20. The application was advertised by means of site notice and by neighbour notification to 6 properties.

21. At the time of preparing this report, 3 letters of objection have been received from 52, 53 and 54 Front Street, Pity Me, Durham, DH1 5DW (neighbouring properties). The neighbouring properties object on grounds relating to the loss of garden privacy due to direct overlooking from the installation of at least 1 of the dormer windows on the eastern elevation. There is also the concern that the proposed dormer window could present further privacy issues due to it being adjacent to rear bedroom windows of properties on Front Street, Pity Me, Durham. Further objections are also raised with regards to the materials and finishes to be used on the dormer roof windows and walls.

APPLICANTS STATEMENT:

22. This application was preceded by a full pre-application approach, conducted in September 2018, ref: PRE21/18/02251.
23. The final pre-application response was largely positive following significant development work with the applicant from their original pre-application proposal which sought to include a large box dormer window eastern elevation which was viewed as not being acceptable.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. 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.
25. The main considerations in regard to this application are the principle of the development, residential amenity, visual amenity, highways/parking and ecology.

Principle of Development

26. The application site is located within the settlement boundary of Pity Me and is a detached property located within a self contained curtilage. Within the immediate area there are a mix of property types and materials used including various shades of red and buff coloured brick, render of various colours and stone.
27. Pity Me is a residential area located to the north of Framwellgate Moor and to the west of Newton Hall. There is a range of facilities close to the application site such as the Arnison Centre which is located to the north east of the site, and as such development of this nature would be considered to be within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF section 12 and policies Q1, Q2, Q9, Q10 and H13 of the local plan, which are considered generally consistent with NPPF principles. Therefore, the expansion of the property would be acceptable in principle.
28. In respect of the design and layout of the development, during the pre-application process design changes were requested to dormer windows proposed on the eastern elevation. The changes requested were to reduce the prominence of having one large box dormer window on the eastern elevation and replace it with 2 smaller dormer windows with 'catslide' roofs. These changes were accepted by the applicant to ensure the dormer windows would be more in keeping with the host dwelling and wider streetscene. Policy Q9 of the City of Durham Local Plan states that extensions to residential dwellings are to be subordinate to the host dwelling, whilst Policy Q10 states that dormer windows should be in proportion with the existing building and the roof in particular, along with incorporating a gabled, hipped or 'catslide' roof.

29. The materials to be used in the development have been confirmed as brown concrete double-roman tiles and brown half-round ridge tiles, white PVCu glazed fenestration, brown facing brick and horizontal red cedar cladding to the dormers. It is considered that the materials will be complimentary to the host dwelling which currently benefits from mostly similar materials, however, the cladding will be a new introduction. Following site visits, it is clear to see that there is no standard approach to materials within the immediate area, with the use of various types and colours of brickwork, rendering and stone prevalent. Whilst the introduction of cladding to the dormers will be another different material, it is not viewed as causing significant harm to the wider character of the area or the streetscene.
30. The proposal also seeks permission for the installation of solar panels to the roof on the western and southern elevations of the property. Following site visits it was noted that a neighbouring property on Front Street, Pity Me has solar panels installed on the roof. Therefore, it is not considered to be out of character with the area and any potential harm can be mitigated from the wider benefits of low carbon energy production and the contribution towards tackling climate change.
31. Therefore, in design terms it is considered that the proposed dormer windows would not detract from the appearance of the property or the wider streetscape and seek to reflect policy requirements. As such the proposal is considered to be in line with Policies Q9, Q10, H13 and U14 of the City of Durham local plan.

Impact upon residential amenity

32. In respect of residential amenity, due to the location of the development site, orientation of the host dwelling and location of the proposed dormer windows it is considered that there would be limited impact. Paragraph 12.32 of the City of Durham local plan is concerned with layout and design of new properties to ensure privacy and prevent overlooking. It states that main habitable rooms of houses should be capable of a good degree of privacy without resort to temporary curtains, blinds or screens. The required distance standards between buildings are window to window 21 metres, window to blank two storey gable 13 metres and window to blank single storey gable 6 metres. The proposed development would comfortably meet the separation distances for window to window with 52 Front Street (approximately 35 metres), and 53 and 54 Front Street (approximately 38 metres).
33. Objections have also been raised regarding privacy of the garden areas and overlooking, and policies Q9 and Q10 both refer to extensions, including dormer windows, having to respect the privacy of neighbours. Following an officer site visit to 54 Front Street, Pity Me, it is noted that currently there is a level of overlooking in to the garden from both the applicants dwelling, but also neighbouring dwellings, primarily along Front Street, Pity Me. In addition, the City of Durham local plan does not provide any guidance on separation distances for garden space. The current separation distance from the applicants dwelling to the garden boundary of 52 Front Street is approximately 13m and 54 Front Street is approximately 16 metres. Therefore, whilst it is accepted that there is a potential for increased overlooking from one of the proposed dormers, the situation will not be made significantly worse through this proposal and in policy terms there is no specific separation distance protection afforded to garden space. As such it is not considered that the proposal would create significant adverse impacts upon loss of privacy and overlooking that would justify a refusal of planning permission. The proposal is therefore in accordance with policies Q9, Q10 & H13.

Impact upon visual amenity

34. Policy Q9 of the City of Durham Local Plan states that extensions are to appear subordinate to the host dwelling and Policy Q10 states that dormer windows should be in proportion with the existing building and the roof in particular, along with incorporating a gabled, hipped or 'catslide' roof. The proposal 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.
35. The proposed development would effectively see a bungalow being transformed in to a two-storey property and in nature it would still appear subservient to the host property. The proposal incorporates 'catslide' style roofs in its design and materials proposed are appropriate to the existing house, with brick, roof tiles and PVCu fenestration to match the existing property. The addition of red cedar horizontal cladding to the dormer windows will see the introduction of a new material, but this is not viewed as causing significant harm to the wider character of the area or the streetscene, due to current mix of materials, finishes and colours used on neighbouring properties. Against this background, it would be considered unreasonable to refuse planning permission on design grounds and the proposal is considered compliant with policies Q9 and Q10.

Highways

36. In respect of highways issues, the councils Highways Officer has confirmed that they have no objections to the scheme. The Highways Officer is satisfied that two vehicles could park within the curtilage of the property and has also indicated that there is a parking layby opposite to the application site in Acorn Place.
37. 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 Q9, H13 and T10 of the City of Durham Local Plan.

Ecology

38. The council Ecology Officer was consulted and has raised no objections as the area is a low risk for bats. However, they have requested that an informative advising on conditions relating to bats is attached to any consent if the application is approved.

CONCLUSION

39. In conclusion it is considered that the proposed development would be acceptable in principle and 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 enjoyed by neighbours, it is considered that the proposed development would not have any significant adverse impacts to warrant refusal. Therefore, as a result it is considered that the proposed development would be in accordance with Policies H13, Q1, Q2, Q9, Q10, U14 and T10 of the City of Durham local plan.

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 listed in Part 3 - Approved Plans.

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.

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

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



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Loft conversion with flat roof dormers and velux windows, installation of solar panels T Petite Mer, St Oswalds Square, Pity Me, Durham, DH1 5ET

Comments

Date. 28th March 2019

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00426/FPA
FULL APPLICATION DESCRIPTION:	Change of use from C3 to C4 property
NAME OF APPLICANT:	Mr Andrew Wilkinson
ADDRESS:	13 Bevan Grove Gilesgate Durham DH1 2LQ
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the east of Durham City Centre within a modern residential estate built in the 1970s. It is a two storey semi-detached property, comprising three bedrooms and bathroom on the first floor, with living room, conservatory, kitchen and integrated garage on the ground floor. It is located within an established residential area at the end of a cul de sac, with driveway and small grassed garden to the front and rear garden space, accessed by a side gate.

Proposal

- The proposal seeks full planning permission for the change of use of the property from C3 family house to a C4 house in multiple occupation (HMO). At present the property is rented out to two students, and thus falls within the C3 use class, but the owners are seeking to rent the third bedroom, which would bring the property into C4 use class. No alterations are proposed internally or externally to bring about the proposed change of use.
2. The application is referred to Committee at the request of Eric and Lesley Mavin (Local Councillors for the Ward) and by Belmont Parish Council who consider the nature of the proposal to be such that the potential impact upon the residential character of the area and parking should be considered by the planning committee.

PLANNING HISTORY

3. There is no planning history for the site.

PLANNING POLICY

NATIONAL POLICY

4. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
5. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
6. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
7. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
8. 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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

9. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

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

LOCAL PLAN POLICY:

The City of Durham Local Plan (2004) (CDLP)

10. *Policy H9 – Multiple occupation / student households* - seeks to ensure that where houses are sub divided or converted to flats, bedsits or multiple occupancy, they do not adversely affect the character of the area, the amenity of nearby residents and the concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock.

11. *Policy H13 – Residential Areas – Impact upon Character and Amenity* – protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
12. *Policy T1 – Traffic Generation – General* – states that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.
13. *Policy T5 – Public Transport* – The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
14. *Policy T10 – Parking* – States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
15. *Policy T21 – Walking* – states that existing footpaths and public rights of way should be protected.
16. *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.
17. On the 15 July 2015, Cabinet approved consultation on an Interim Policy on Student Accommodation. The consultation took place during September and October 2015. Responses received during the consultation period were considered and amendments were made to the Policy. On the 16 March 2016, Cabinet recommended that full Council adopt the revised Interim Policy. As the Interim Policy has been adopted, it can be afforded weight in the decision making process, although the weight to be afforded to it must be less than if it were part of the statutory Development Plan for the area.
18. On the 16 September 2016 an Article 4 direction that removed permitted development rights to change from a C3 dwelling to a C4 house in multiple occupation in the Durham City area was confirmed.

RELEVANT EMERGING POLICY:

19. 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:

20. Highways Authority offered no objections.
21. Belmont Parish Council – objects on the basis that the proposals would adversely affect residential amenity and is contrary to Policy H13 of the City of Durham Local Plan. Concerns also raised with regards parking within the cul de sac area and loss of affordable family housing stock and the precedent this would set.

INTERNAL CONSULTEE RESPONSES:

22. Environment, Health and Consumer Protection (Nuisance Action Team) – comments that HMOs due to the increase in the number of occupants and the likely occupying demographic within the area i.e. students, have an increased likelihood of leading to an increase in noise above a C3 use. This is due to a general increased living noise associated with a greater number of separate households and the increased likelihood of noise such as from visitors, music and accessing the night time economy. The potential impact is further increased due to the cul-de-sac location and therefore likely fairly low existing noise climate. However the proposed increase is by one occupant over that already residing in the property and as such it is not considered that the impact of this increase is likely to reach a significant observed adverse level. They further comment that the development is unlikely to cause a statutory nuisance.
23. Spatial Policy – comment that 2.6 per cent of properties within a 100 metre radius are in use as HMOs.
24. HMO Section –comment that the property would need to be licensed under the Housing Act 2004 Part 2 and provide further details on the criteria associated with this legislation.

PUBLIC RESPONSES:

25. The application has been advertised by means of site notice on site and by notifying neighbouring residents by letter. 3 letters of objection have been received, including one from Durham Constabulary (Crime and Communities Issues Team) and one letter from each of the Ward Councillors, raising the following points:
 - Concerns over loss of family home
 - Concerns that it will have an adverse impact on amenity of surrounding residents.
 - Limited parking available on site and within the cul de sac in general.
 - Concerns that HMO uses generate more noise and disturbance at unsocial hours than average family homes that exist within the cul de sac.
 - Concerns regarding nuisance and bins being left in street.
 - Comparisons made with Laburnam Avenue where police have been called to deal with complaints specifically related to HMO properties.
 - Concerns regarding an increase in the fear of crime that would be created by letting property out as HMO
 - Concerns regarding size of house and amenity space for future tenants.

APPLICANT'S STATEMENT:

26. We have let the property for the last 3 years and have been very selective as to who we rent the property to. Every time I visit the property I try and catch up with the neighbours and enquire about how they find the tenants. I have had nothing but positive comments and indeed they have been very complimentary. Very quiet, friendly, helped clear the snow, helped me move heavy furniture, etc. The neighbours are a retired policeman and his wife on one side and an elderly lady on the other. The tenants also interact with other neighbours in the street and know several on first name terms.
27. The tenants themselves have requested that a third person join them in July and so this has triggered the application for change of status under local regulations. It is by no means certain that the house will always have 3 tenants, but it leaves the possibility open. Having 4 sons ourselves, we appreciate the financial pressures on young people today and appreciate that they wish to reduce their costs by splitting the rent and bills 3 ways instead of 2.
28. Currently the property has space for 2 vehicles to park off road (one in a garage and one on the drive). However, we are prepared to pave the front garden to create a third car parking space if required, as we would not wish to inconvenience neighbours. Tenants to date have usually caught the bus from the end of the street or walked/cycled into town, so car parking has not been an issue.
29. To put our application in context, my wife and I are not "commercial" landlords and have this one property in Durham which we initially purchased to assist our son living in Durham. We use the rental income to support our family.
30. We appreciate the time taken to consider this request to approve an extra person to live at 13 Bevan Grove.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

32. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation HMOs). HMO's are classified as small shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the proposal is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 direction came into effect on 16 September 2016 withdrawing permitted development rights in this regard and as such planning permission is required.

33. 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 (Local Plan) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the Local Plan was adopted in 2004 and was intended to cover the period to 2006 and, whilst the NPPF advises at Paragraph 213 that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF, it is considered nonetheless that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. In such circumstances the weight to be afforded to existing Local Plan policies should depend upon their degree of consistency with policies of the NPPF.
34. In consideration of the above, saved policy H9 relating to multiple occupation and student accommodation is directly relevant to the proposal as it deals with conversion of houses to HMO use. In addition, policy H13 of the Local Plan is also relevant as it relates to changes of use and seeks to minimise their impacts on the character and amenities of residential areas. The approach contained within these saved policies is considered consistent with the general aims of the NPPF which requires the planning system to support strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations. The policies are therefore deemed up to date and consistent policies which can be attributed weight accordingly in the determination of this application. Paragraph 11 of the NPPF is therefore not engaged.
35. Policy H9 of the City of Durham Local Plan states that proposals to convert houses to HMO use 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 would not involve significant extensions that would unacceptably alter the scale and character of the host dwelling and surrounding area in compliance with Policy Q9. The policy further requires that conversion should not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock. The various points within Policy H9 are covered in the relevant sections of the report below.
36. In addition to policy H9 of the Local Plan, the Council's Interim Policy relating to student accommodation is also relevant and states that the Local Planning Authority will not support the change of use of properties in instances where there is in excess of 10 per cent of properties within 100 metres of the site already used as student accommodation. Whilst the Interim Policy has less weight than the saved policies of the City of Durham Local Plan it is nevertheless a material consideration and has been endorsed by cabinet following a 6 week consultation period ending April 2016. The threshold of 10 per cent was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', 2008 and in this respect is considered up to date and accords with the aims of the NPPF.
37. The Council's Spatial Policy section advises that the most recent up to date Council Tax information identifies that 2.6 per cent of those properties within 100 metres of the site are currently occupied as student let accommodation. This concentration clearly falls well below the 10 per cent threshold stated in the Interim Policy. In consideration of this, the proposals are therefore considered to accord with the Interim Policy and with policy H9 which is permissive in principle of conversion of properties to HMO use.

38. The combination of the Interim Policy and Article 4 Notice, along with Policies H9 and H13 of the Local Plan, provide the policy framework for determining the acceptability of development and changes of use to HMO and student accommodation. In consideration of the details of the proposals against this policy context it is considered that the change of use from C3 to C4 can be supported in principle given the relatively low numbers of student HMOs in the area. However further consideration on the potential impacts are detailed below.

Impact on residential amenity

39. Saved policies H9 and H13 of the Local Plan both seek to protect residential amenities. These align with NPPF paragraph 180 which requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

40. The application site is a two storey semi-detached property located at the end of a quiet cul de sac within a residential area. The nearest residential property adjoins the application site at no. 14 Bevan Grove to the south west, whilst the next block of semis, nos. 11 and 12 are located to the north. Directly east of the application site and south of Bevan Grove lies industrial units associated with Dragonville Park.

41. The dwelling is already let out to two students, and the proposal now seeks to let out the third bedroom, bringing the use of the property into a C4 use class. The objections received from Durham Constabulary, Belmont Parish Council and the Local Ward Members raise concerns that the HMO use will generate more noise and disturbance at unsocial hours than average family homes that exist within the cul de sac. Durham Constabulary also confirmed from their statistics that streets containing HMOs can create a higher likelihood of police call outs to deal with incidents of anti-social behaviour. There is a view that overall amenity for surrounding residents would be adversely affected should the change of use be approved and regret over the loss of a family house that would be more suited for the area.

42. The Council's Environmental Health (Nuisance Action Team) provided detailed comment on the proposals. Whilst the development falls within the scope of their Technical Advice Notes (TANS) due to being a potential noise generating development affecting residential amenity, the nature of the development cannot be assessed against the thresholds contained within the TANS. Nonetheless they acknowledge that HMOs have an increased likelihood of leading to an increase in noise above a C3 use and that the potential impact of this proposal is further increased due to the cul de sac location which would be expected to have a low existing noise climate. However they further comment that the proposed increase of one individual within the property is not considered to create an increase in noise levels to the point of a significant observed adverse level. Increased noise risks would be very dependent on future occupants and should their actions be anti social there is well established legislative controls to address this via the local authority and police. In any case, a dwelling with three occupants is not expected to lead to a level of noise above that ascribed to a family use. They confirm overall that they do not believe the development would cause a statutory nuisance.

43. In light of the above considerations it is accepted that HMO accommodation occupied by students does result in differing patterns of activity to a standard family household, however, in this case it would be difficult to demonstrate that this would be materially more harmful in terms of loss of residential amenity through significant increase in noise and general disturbance, than activities associated with a family home. On this basis the potential harm associated with the change of use cannot be sufficiently demonstrated to warrant a refusal to this application. It is further noted that no objections to the application have been received from neighbouring properties.

44. In line with policies H9 and H13, it is not considered that the proposed change of use relating to the letting out of the existing third bedroom would create a situation that would significantly compromise the amenities of residents within the area or result in increased activity that would materially affect the residential character of the area or amenities of the nearby neighbours, particularly as the property already rents to two students. The proposal is therefore considered to accord with the aims of policy H9 and H13 of the Local Plan and relevant parts of the NPPF as it is not expected that it would result in unacceptable impacts upon the amenity of surrounding residents.
45. The submitted details also accord with and address the requirements of the Interim Policy in making satisfactory provision for cycle and car parking (discussed below), bin storage and other shared facilities.

Highway Safety and Access

46. Saved local plan policy T1 requires that the council should not grant planning permission for development that would generate traffic which would be detrimental to highway safety and have a significant effect on occupiers of neighbouring properties. Policy H9 and the Council's Interim Policy both require that new HMOs provide adequate parking and access.
47. The property benefits from an integrated garage and single width drive served by a dropped kerb from the existing highway. Objections and concerns have been raised with regards the impact of the proposal on parking in this tight cul de sac area, and the potential for problems to occur if each individual has their own car as well as parking issues should visitors attend the site. However the level of parking provided for this three bed property is considered sufficient and in line with the Council's Parking and Accessibility Standards. In addition to this, the applicants note that the grassed area to the front of the property could be gravelled over to provide additional parking if required.
48. Notwithstanding this, given the types of residents proposed for the property it is not expected that all residents would have their own car. In any case the application site is well located in terms of accessibility by foot and bike to the university area and other services. The area is also well served by public transport to the city centre. The Council's Highway Authority has raised no objections. In this regard the proposals are considered to accord with Local Plan policies T1 and H9 and the Interim Policy and there is no need for the grassed area to the front of the property to be turned into an additional parking space.

CONCLUSION

49. In conclusion, the proposed change of use would accord with the requirements of the Council's Interim Policy relating to student accommodation and would not result in more than 10 per cent of the properties within 100 metres of the site being used as HMOs. Whilst the objections and concerns raised by Durham Constabulary, Belmont Parish Council and the Ward Councillors in relation to the impact of the development upon residential amenity and parking are noted, it is not considered that the introduction of a HMO use in this locale would result in any unacceptable impact in this regard in accordance with the aims of policy H9, H13 and T1 of the City of Durham Local Plan or conflict with the aims of the NPPF and the Council's Interim Policy.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

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 listed in Part 3 – Approved Plans.

Reason: To define the consent and ensure a satisfactory form of development is Obtained in accordance with Policies H9, H13 and T1 of the City of Durham Local Plan 2004.

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
Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Change of use from C3 to C4 property at 13 Bevan Grove, Gilesgate, Durham..</p> <p>Application Number DM/19/00426/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	<p>Date 9 April 2019</p> <p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/03671/FPA
FULL APPLICATION DESCRIPTION:	2 Storey Extension to existing dwelling to create a total of 2 No. Dwellinghouses
NAME OF APPLICANT:	Ms G Moore
ADDRESS:	The Cottage, 22A Allergate, Durham DH1 4ET
ELECTORAL DIVISION:	City of Durham
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 an existing two storey building positioned to the rear of a Grade 2 Listed Building at No. 22 Allergate, Durham. It lies within Durham City Centre Conservation Area and to the west of the ONESCO World Heritage Site at Durham Cathedral. It is framed by residential dwellings to the south, east and west and by Durham Bus Station to the north as land falls steeply down to North Road.
2. Given its backland position the structure has no active frontage onto Allergate itself but is served by a timber doorway onto the main road which serves a narrow vennel that opens onto an area of rear amenity space currently used by both No 22A and 22 Allergate.

The Proposal

3. Planning permission is sought for the erection of double storey extensions to No.22A Allergate, Durham DH1 4ET in order to create 2 No. self-contained dwellings.
4. The proposed extensions would be positioned to the northern elevation of the existing building and above the existing single storey kitchen. It would provide two additional bedrooms, kitchen, utility and bathroom, facilitating the subdivision of the building to create 2 No. one bedroom flats each comprising a lounge, bedroom, kitchen utility and bathroom. It would be positioned to the northern elevation of the existing building and be 3.5 metres wide by 4.3 metres deep with an overall height to the ridge of a dual pitched roof of 6.6 metres (5.3 metres to the eaves). Above the single storey kitchen the extension would measure 3.2 metres wide by 7 metres long with an overall height of 6.9 metres to the ridge of a dual hipped roof (6 metres to the eaves).
5. External materials would be finished in facing brick to the walls and the applicant has confirmed that natural slate would be used to the roof with brown UPVC windows and doors.

6. At present, No. 22 Allergate does not benefit from any in curtilage car parking and this would remain unchanged by the proposals as would the means of pedestrian access which would remain via the single width gate onto Allergate itself.
7. The application is being reported to planning committee at the request of the City of Durham Parish Council who consider that the proposal would have significant impact upon Durham City Centre Conservation Area, adjacent Listed Building and the amenity of adjacent residents.

PLANNING HISTORY

8. The Local Planning Authority is currently considering a planning application with associated listed building application relating to the partial demolition, replacement and subdivision of No. 22 Allergate in order to create 2 No. self-contained apartments.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. 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 7 Ensuring the Vitality of Town Centres:* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
14. *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

15. *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.
16. *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.
17. *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.
18. *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:

19. The following policies of the City of Durham Local Plan are considered relevant to the determination of this application.
20. Policy E3 (World Heritage Site – Protection) Durham Cathedral and Castle World Heritage Site and its setting will be protected by restricting development to safeguard local and long distance views to and from the cathedral and castle and Peninsula in accordance with policies E1, E5, E6, E10, E23 and E24 and applying policies E1, E5, E6, E10, E21, E22, E23 AND E24 relating to green belt, landscape setting, conservation areas, listed buildings, and archaeological remains; and seeking the conservation and management of buildings, Archaeological remains, woodland and open spaces which make up the world heritage site and its setting.
21. Policy E6 (Durham City Centre Conservation Area) The special character, appearance and setting of the Durham (city centre) conservation area will be preserved or enhanced.
22. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
23. Policy E16 (Protection and Promotion of Nature Conservation) states that the Council will the council will protect and enhance the nature conservation assets of the district.
24. Policy E21 (Historic Environment) The council will preserve and enhance the historic environment of the district by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and encouraging the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.

25. Policy E22 (Conservation Areas) The council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details; not permitting the demolition of buildings which contribute to the area's character. Permission for the demolition of any significant building will not be granted until a detailed scheme for appropriate redevelopment of the site has been approved; protecting trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or appearance of the area and its setting; requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area. In addition the council will also implement schemes for the enhancement of conservation areas where appropriate and as resources permit.
26. Policy H2 (New Housing in Durham City) New housing development comprising windfall development on previously developed land: and conversions will be permitted, within settlement the settlement boundary of Durham City. Provided either the site is included in policy H11 or that the proposal does not contravene policies E3, E5 and E6, and the site is not allocated or safeguarded for an alternative use; and the development accords with policies Q8, R2, T10 and U8A.
27. Policy H7 (City Centre Housing) the Council will encourage new housing development and conversions to residential use on sites within or conveniently close to the city centre provided; there is no conflict with any other policy or proposal of this plan, particularly those relating to the conservation area or world heritage site, and it is in scale and character with its surroundings.
28. 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.
29. 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.
30. 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.
31. Policy Q1 and Q2 (General Principles Designing for People and Accessibility) The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
32. 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.
33. Policy Q8 (Layout and Design - Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

34. Policy 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.
35. Policy U11 (Development on Contaminated Land) Development on sites which are known to be, or suspected of being contaminated will only be permitted provided that: the nature and extent of contamination is first established; the development will not add to the level of contamination; proposals for development include remedial measures which address the actual or potential hazard of contamination identified; there is no detrimental affect on the environment as a result of the disturbance of contaminates during and after development.

Durham City Neighbourhood Plan (DCNP):

36. The DCNP is at an early stage of preparation and has not yet reached a stage where weight can be afforded to it.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

39. 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:

37. The Highway Authority raises no objection to the application noting that the site lies within close proximity to the town centre and bus and rail stations and is therefore a sustainable location. It is also noted that the site is within the city's controlled parking zone and that no permits would be issued to residents of the new dwelling to allow them to park on street.
38. Drainage and Coastal Protection offer no objection to the application.

INTERNAL CONSULTEE RESPONSES:

39. Design and Conservation Section raises no objection to the application noting that the proposal would not have any unacceptable impact upon the character and appearance of Durham City Centre Conservation Area or the Grade II Listed Building at 22 Allergate. However, conditions are nevertheless advised requiring the submission and agreement of sample materials for external surfaces.

40. Landscape Section raises no objection to the application.
41. 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).
42. Contaminated Land Section has no objection to the application.
43. Ecology Section raises no objection to the application subject to the inclusion of a planning informative reminding the applicant of their responsibilities in relating to bats.

NON STATUTORY RESPONSES:

44. City of Durham Parish Council raises objection to the application and considers that the development would have a detrimental impact upon the character and appearance of the City of Durham Conservation Area, the setting of an adjacent Grade II Listed Building and the ONESCO World Heritage Site at Durham Cathedral. In addition, they also consider that the proposal would have a significant and detrimental impact upon residential amenity from overbearing, overshadowing, loss of privacy, an increase in disturbance and also parking and access.
45. City of Durham Trust raises objection to the application considering it to be inappropriate given its detrimental impact upon an adjacent Grade II Listed Building and also citing a lack of in curtilage car parking. In addition, objection is also raised that the building as extended would have a detrimental impact upon the amenity of surrounding residents from overbearing and overshadowing in this context noting the elderly nature of the residents at Hanover Court.

PUBLIC RESPONSES:

46. The application has been publicised by way of site notice, neighbour letter and advert in the local press. 6 letters of objection from 5 properties have been received along with a further letter from the Hanover Housing Association which is responsible for the management of Hanover Court adjacent to the application site. The reasons for objection are summarised as;

Detrimental Impact upon Residential Amenity from overbearing, overshadowing and loss of light given the height of the proposed extension and the proximity to adjacent residential properties.

Disruption to residential amenity from student occupancy and noise and vibration during the construction phase should planning permission be granted.

Increase demand in car parking along Allergate which would lead to disturbance and an adverse impact in terms of highway safety.

Loss of outlook as the extension would obscure views of Durham Cathedral currently enjoyed by some properties at Hanover Court.

APPLICANTS STATEMENT:

There exists already a 2 storey red brick residential building built in the early 20th century, with an unruly roofline and set close to 22 Allergate. The extension requested will make the building more uniform and will be built in materials more appropriate to the area than the plain red brick already used. The description of materials was left somewhat vague in the application to enable close communication between the conservation planners and the applicant so as to achieve a building which is more appropriate and visually appealing than the one that sits on the site currently. The planners have recommended a mixture of brick and render and this will be discussed and decided together to make a building truly more visually appealing than the one which currently exists. The use of render will match the main listed building and will break up the blank walls of the existing building. The conservation department have stated that the application "would not harm the setting of the listed building".

The existing neighbours live in buildings which are large blocks of apartments built in previous burgrave gardens and which are unsympathetic to the neighbourhood. These buildings were built hundreds of years later than the main house at 22 Allergate and much later than the annexe to which this application applies. There is currently a window which overlooks Hanover Court, Hanover Court was, in fact, built overlooking the annexe to 22 Allergate including the window to the upstairs of the annexe. To ease this lack of privacy, the window has actually been removed from the design and roof-lights have been used instead.

It is noted that there are no objections or concerns voiced by from environmental health or the flood risk and drainage departments of the council. An ecology report has already been completed and no concerns were raised by the expert bat and ecology specialist.

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, the locational sustainability of the site, its impact upon residential amenity, the City of Durham Conservation Area and adjacent Listed Building, parking, access and highway safety, ecology and land contamination.

Principle of Development

48. 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.

49. On this basis, given the age of the CofDP 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.
50. Policy H2 of the CofDLP is relevant which relates to new housing within Durham City and seeks to direct new development to the most sustainable locations. It states that windfall housing development of previously developed land (PDL) and conversions will be permitted within settlement boundary of Durham City, subject to amongst other things, not contravening saved Policy E3 (World Heritage Site Protection), E5 (Open Spaces within Durham City) and E6 (Durham City Conservation Area) and the development accords with policies Q2 (General Principles – Designing For Accessibility), R2 (Recreational and Amenity Space in New Residential Developments), T10 (Parking) and U8A (Disposal of Foul Water).
51. As the evidence base which underpins the policy is out of date, it must be regarded as out of date and paragraph 11 of the NPPF is therefore engaged. Given the emphasis on PDL sites this policy is not fully consistent with the NPPF as there may be instances where a Greenfield site can be justified through NPPF. This policy should therefore not be used as a reason to refuse such sites on this basis and can therefore only be given some weight.
52. Policy H7 is also relevant and advises that the Council will encourage new housing developments and conversions to residential use on sites within or in close proximity to the city centre provided there is no conflict with any other plan policy or proposal and it is in scale and in character with its surroundings. This policy is consistent with the NPPF and it is up to date.
53. As the policies in the development plan which are most important for determining the application are out of date, then Paragraph 11 of the NPPF is engaged which establishes a presumption in favour of sustainable development. For decision taking this means;
- approving development proposals that accord with an up to date development plan without delay; 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 this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.
54. 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 there being no policies in this Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the application.

Five year Housing Land Supply

55. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old..
56. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
57. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
58. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.

Locational Sustainability of the Site

59. 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, it is noted that the site is located within Durham City Centre and as such has good access to a full and wide variety of shops, services and employment opportunities and is well served by public transport. As such the site is considered to represent a sustainable location.

Impact upon Residential Amenity

60. The application site is located within a predominantly residential area towards the centre of Durham City and is framed by residential dwellings to the south, east and west, and by Durham Bus Station at greater distance to the north.
61. Several local residents have raised objection to the application which they consider would have a significant detrimental impact upon the residential amenity of adjoining residents from overbearing, overshadowing and loss of privacy. It is noted that the majority of those respondents were from Hanover Court situated to the west of the application site and is understood to be predominantly occupied by elderly residents. In addition, the City of Durham Trust and City of Durham Parish Council also consider the impact upon residential amenity to be significant and adverse and as such object to the application as a consequence.

62. Policy H13 of the CofDLP relates to the character and appearance of residential areas and seeks to protect the amenities of residents within them. Similarly, policy Q8 of the plan requires new development to provide adequate amenity and privacy for each dwelling and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties.
63. In this respect it is noted that Hanover Court represents one of the nearest residential properties to the proposed development and is positioned approximately 13.5 metres to the west of the existing building. It is double storey and occupies a north/south orientation similar to the application building presenting windows to habitable rooms towards the application site. The site is framed to the east by a similar residential complex although it is noted that in this instance all windows to habitable rooms are situated in the rear elevation and do not offer any direct views of the application building or proposed extensions.
64. Text supporting policy Q8 provides minimum separation distances to ensure that adequate levels of privacy are achieved in new residential development. Supporting text advises that a minimum of 21 metres between windows to habitable rooms, 13 metres be achieved between windows to habitable rooms and blank double storey gables and that 6 metres is provided between windows to habitable rooms and single storey gables.
65. The proposed development has been amended to remove a first floor window to the western elevation of the proposed extension which did not meet the 21 metres required by policy Q8. With this window removed the required separation distance of 13 metres between windows to habitable rooms at Hanover Court is achieved. In all other respects the development would meet the required separation distances.
66. Whilst it is noted that part of the building as extended would be situated at the boundary with those residential properties to the east and have an overall height of 6.9 metres to the ridge of a dual pitched roof, it is noted that given the orientation of adjacent dwellings and position of existing windows it would not appear overbearing or have any significant adverse impact in terms of overshadowing or loss of privacy. An external window is proposed at first floor to the southern elevation and whilst this would not directly overlook the amenity space of any adjacent property it is nevertheless considered appropriate to ensure that this be obscure glazed through planning condition. There would be some overshadowing of land to the east however it is noted that this is presently hardstanding use as car parking and therefore this is not of a magnitude to justify refusal.
67. With regard to external amenity space the development proposes a shared area of amenity space to the rear of No. 22 Allergate which although unusual nevertheless includes sufficient space service both the proposed dwelling and two existing properties. Whilst there would be some overlooking of the rear amenity space of No. 22 Allergate as a result, this arrangement currently exists and would not significantly worsen as a result of the proposed development.
68. Several residents have also raised concerns regarding increased disruption during the construction phase of development should planning permission be granted and also questioned the suitability of access arrangements for the delivery of materials during this period, citing noise in particular as a concern. The Council's Environmental Health Section has been consulted and offers no objection to the application subject to the inclusion of planning conditions to control working hours and the emission of noise, dust, odour and vibration during the construction phase. Given the constrained nature of the site it is considered appropriate to include a construction management plan which would include the submission and agreement of working hours and precise means of noise, dust, odour and vibration suppression.

69. Subject to the inclusion of the planning conditions stated the development would accord with the aims of policies H13 and Q8 of the CofDLP and paragraph 180 of the NPPF.

Impact upon Designated Heritage Assets including the Character and Appearance of the City of Durham Conservation Area and setting of the Grade II Listed Building

70. The application site is situated within Durham City Conservation Area and the setting of a Grade II Listed Building at No 22 Allergate. It is also located to the west of the UNESCO World Heritage Site at Durham Cathedral.
71. As such policies E6 and E21 of the CofDLP are relevant and require new development to preserve or enhance the special character and appearance of the City of Durham Conservation Area. In addition policy E23 is also relevant which states that the Council will seek to safeguard listed buildings and their settings by not permitting development which detracts from the setting of a listed building. Both approaches display a broad level of accord with the aims of Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
72. Several local residents, the City of Durham Parish Council and City of Durham Trust all raise objection to the application and consider that the development would have a significant and detrimental impact upon the special character of the surrounding conservation area and Grade II Listed building.
73. The building occupies a back land position between Allergate and North Road Bus Station where it is fully concealed in views from the surrounding public realm due to the intervening topography and existing dense built development. The extended building would be partially visible from the parking area adjacent to the east of the site, but this is a private space from within which no harmful visual impacts would occur. Consequently, the Council's Design and Conservation Section advises that the impact on the character and appearance of the surrounding conservation area as a result of the proposal would be neutral.
74. With regard to the adjacent Grade II Listed Building it is noted that the application building sits to the north of this and firmly within its setting. However, the assets setting has already been compromised by the presence of the building itself constructed within the original burgage plot and it possesses no historic, functional, or positive visual associations with the asset. Extending it as proposed would be considered to cause no further harm to the heritage assets setting than that which presently exists and again the Council's Design and Conservation Section raises no objection to the application in this regard.
75. In terms of design the first floor extension would have a hipped roof reflecting the roof of the existing two storey element, while the extension at the north end would form a simple continuation of the existing linear-narrow plan form terminating within a hip-end and including vertically proportioned windows that would be acceptable.

76. The elements of the proposed extensions in combination would increase the scale and mass of an already sizable building but taken together they would not be considered to represent an over development of the site and importantly what survives of the historic burgage plot would remain conserved and legible. Furthermore, observations on site revealed a number of large scale back land developments in the vicinity including a detached modern apartment block adjacent immediately to the west and large extensions to the neighbouring properties to the east; therefore the proposal would not be considered out of keeping with the scale of surrounding built development. A degree of articulation would be provided by the variation in the ridge height and by maintaining the set-back in the building line at the south end.
77. The development proposal would therefore cause no adverse harm to the special character and appearance of the surrounding conservation area or the setting of the listed building and would relate acceptably to the existing building in design terms. As such it is considered to accord with policies E6, E22, E23 and Q8 of CofDLP, and paragraphs 193 of the NPPF and Sections 66 and 73 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

Parking, Access and Highway Safety

78. At present the application property is served by a single width pedestrian access gate direct onto Allergate which serves a narrow vennel that leads to an area of shared external amenity space and the development proposes the retention of this arrangement. In terms of parking provision neither 22, nor 22A Allergate currently benefit from any in curtilage car parking and again this arrangement would be maintained post development.
79. Policy T1 of the City of Durham Local Plan states that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property and policy T10 requires new development to provide adequate car parking. This is considered to display a broad level of accord with the requirements of paragraph 32 of the NPPF which requires new development to provide safe and secure access to the new development.
80. Several local residents and the City of Durham Parish Council raise concerns regarding the lack of off street car parking contained within the development and that increased congestion during the construction phase would compromise highway safety.
81. However, the Highway Authority offers no objection noting that the site lies within close proximity to the commercial city centre which includes bus and rail stations, and within the city's controlled parking zone. With regard to the latter they go onto confirm that no permits allowing future residents to park on street would be issued to should planning permission be granted. Notwithstanding this it is considered that the city centre location and the site access to public transport as a consequence to be such that the lack of any in curtilage parking is not sufficient to sustain refusal of the application, particularly noting that many of the residential properties along Allergate operate a similar arrangement.
82. With regards to construction traffic the precise detail of the management of deliveries could be controlled through the construction management plan which could be secured through planning condition as noted elsewhere in this report.

83. Subject to the inclusion of a planning condition requiring the submission, agreement and implementation of a Construction Management Plan the development is considered to accord with the aims of policies T1 and T10 of the CofDLP and paragraph 108 of the NPPF.

Contaminated Land

84. 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.
85. However, the Council's Contaminated Land Section has been consulted and raises no objection to the application advising that there is no requirement for any contaminated land condition. In this regard the development is considered to accord with the requirements of paragraph 178 of the NPPF.

Ecology

86. The proposal involves intrusive works within the roof void of an existing building and as such the Council's Ecologist has been consulted raising no objection to the application subject to the inclusion of a standard informative relating to bats which could be included should be planning permission be granted.
87. Subject the inclusion of an informative in this regard the proposal is considered to accord with the requirements of policy E14 and paragraph 175 of the NPPF in that it would not have any unacceptable impact in terms of biodiversity or protected species.

Planning Balance

88. 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

89. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered severely limited at 1 additional dwelling, particularly in the context that the Council can demonstrate a 5 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
90. To a limited degree the development would provide direct and indirect economic benefits within the locality 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 limited weight.

Adverse Impacts

91. The application demonstrates that there would not be any adverse impact to which weight could be attached in determination of this application that could not be adequately mitigated through inclusion of planning conditions.

CONCLUSION

92. When applying the planning balance contained in paragraph 11 of the NPPF it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and as such planning permission should be granted.
93. The site occupies a sustainable location within the residential framework of Durham City Centre and is well served by a wide variety of shops, services, employment and education opportunities and as such is acceptable in principle. By reason of its size, scale, layout, design and use of materials sympathetic to the surrounding area the building as extended and the resultant additional dwelling would not have a detrimental impact upon the special character of the Durham City Conservation Area, the setting of the Grade II Listed building or WHS, the amenity of surrounding occupiers, highway safety, ecology, land contamination or drainage in accordance with the aims of policies E6, E16, E22, E23, H7, H13, Q8, U8A and U11 of the CofDLP and paragraphs 11, 127 and 180 of the NPPF.

RECOMMENDATION

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

1. The development should not be begun later than 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
2171/10-A	Location Plan	03 December 2018
2171/10-A	Proposed Elevations and Floor Plans	20 February 2019

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

3. No development shall commence until samples of all external walling and roofing material has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the surrounding locality and City of Durham Conservation Area in accordance with the aims of policies E6, E22 and E23 of the CofDLP as amended by Saved and Expired Policies September 2007 and paragraph 124 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on the character and appearance of the surrounding area which needs to be considered before site works commence.

4. 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.
- Details of the management of the delivery of materials to the site.

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 residents from the development and to comply with policy H13 of the CofDLP and Part 15 of the NPPF. 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.

5. No development shall commence until such time as a scheme for the disposal of foul and surface water from the development be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure the satisfactory disposal of surface water generated by the development in accordance with the requirements of policy U8A of the City of Durham District Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact on drainage and flooding which need to be considered before site works commence.

6. Prior to the first occupation of the dwellings hereby approved details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the appearance of the area and to comply with policies E6, H13 and Q8 of the City of Durham Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the windows to the first floor bathroom in the southern elevation shall be obscure to level 3 or higher of the Pilkington scale of privacy.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H13 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 refuse 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. Regretfully, a positive recommendation has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

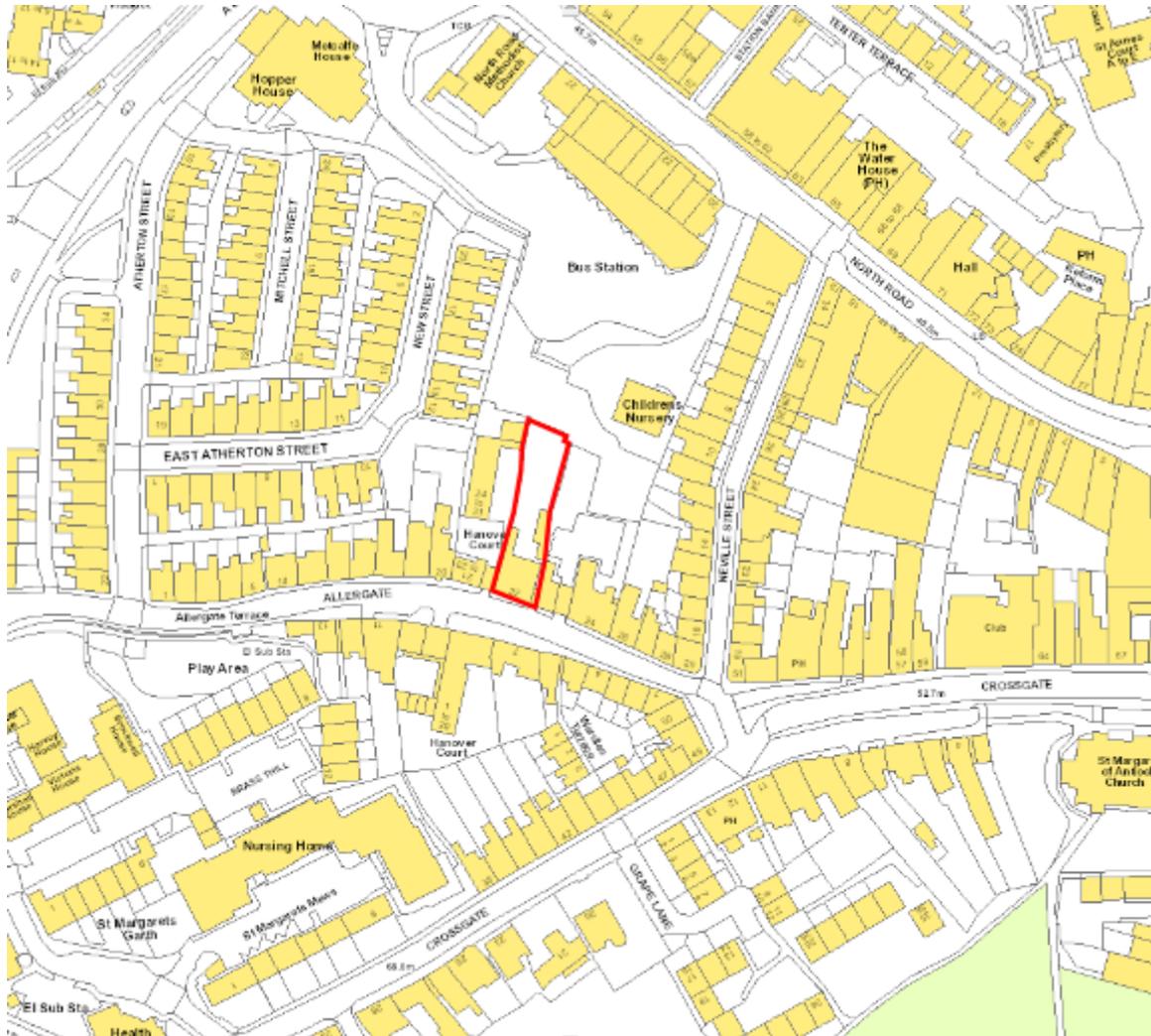
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Saved policies of the City of Durham Local Plan 2004

Statutory, internal and public consultation responses



Planning Services

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2 Storey Extension to existing dwelling to create a total of 2 No. Dwellinghouses

Comments

Date 9 April 2019

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03999/FPA
FULL APPLICATION DESCRIPTION:	Demolition of Former Easington Greyhound Stadium and erection of 47no. dwellinghouses with associated access, landscaping and infrastructure.
NAME OF APPLICANT:	Charles Church (Durham)
ADDRESS:	Former Greyhound Race Track, Sunderland Road, Easington
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is located to the north of the settlement boundary of Easington Village but within the Electoral Division of Easington. The site is around 750 metres from the centre of Easington Village and around 550 metres north of the recently approved Fennel Grove residential development. It is bounded to the north, west and south by agricultural land whilst to the east is the B1432 with a small residential cul-de-sac called Lea Lane beyond. Bus stops are located outside of the site which run services to Peterlee, Seaham and beyond.
2. It is a brownfield site which was a greyhound race track with associated buildings until around October 2018. The buildings are now unused and are becoming slightly rundown.

Proposal:

3. This application proposes a residential development of 47 dwellings with associated access off the B1432 along with a drainage basin to the north west of the site and areas of open space. The dwellings would be constructed by Charles Church and would be marketed as executive type dwellings. The dwellings would be constructed of traditional red brick and along with traditional grey tiled roofs. The layout shows a scheme of mainly detached, four and five bedroomed houses with off street parking and garaging along with five affordable dwellings.
4. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

5. None relevant

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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.
8. *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.
9. *Part 5* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *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.
11. *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. *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.
13. *Part 14* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and *associated* infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

14. *Part 15* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

District of Easington Local Plan

15. *Policy 1* - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
16. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
17. *Policy 14* - seeks to protect Special Areas of Conservation from development which would give rise to an adverse impact, either directly or indirectly
18. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
19. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
20. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
21. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
22. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
23. *Policy 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

24. *Policy 92* - seeks to protect amenity open space from development except where the development of a small part enables enhancement of the remainder or equivalent alternative provision is made.

RELEVANT EMERGING POLICY:

The County Durham Plan

25. 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.
26. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.

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:

27. The Parish Council object to the application stating that the proposals are contrary to policy and that Easington Village is unable to cope with the additional infrastructure required.

INTERNAL CONSULTEE RESPONSES:

28. Highways officers have confirmed that no highway objections are raised subject to the amended plans received following speed surveys. Conditions are requested which require sufficient driveway lengths and the agreed visibility splay being maintained.
29. Spatial Policy offers no objection to the proposal.
30. Drainage and Coastal Protection offer no objection to this proposal subject to a condition requiring compliance with the flood risk assessment.

31. Education officers confirm that school places are sufficient therefore, no contributions are required.
32. Pollution Control do not object subject to a contaminated land condition.
33. Landscape officers have commented that there would be a harmful impact if the hedgerow on Sunderland Road was to be removed. Amended plans have been received showing that the hedgerow will be retained and protected during construction.
34. Ecology officers do not object subject to compliance with the submitted ecology report and appropriate mitigation given that the proposal is in close proximity to EU protected sites on the coast and that given the hedge is to be retained there would be no loss of biodiversity.
35. Archaeology officers have no objection subject to a condition requiring an archaeological desk top assessment and any subsequent mitigation being required.

PUBLIC RESPONSES:

36. Northumbrian Water have no objections subject to a condition requiring compliance with the flood risk assessment.
37. One letter of objection has been received which raises concerns relating to construction traffic, noise and disturbance.

APPLICANTS STATEMENT:

38. The application site is a brownfield site hosting the former Easington Greyhound Stadium which ceased to be operational a number of years ago due to a significant fall in the popularity of the sport rendering the facility no longer economically viable. The very specific use of the site has meant that it does not lend itself to conversion or alternative uses, consequently the site has remained a derelict eyesore since its closure with no reasonable prospect for regeneration without significant investment in its reclamation and redevelopment.
39. This application therefore represents significant opportunity to revitalise the site through the delivery of a high quality residential development meeting the current and future housing needs of the county whilst making efficient use of land through brownfield redevelopment.
40. The application proposes the demolition of the greyhound track, stadium and associated outbuildings to be replaced by a 47 dwelling executive housing development provide a full range and mix of 2, 3, 4 and 5 bed dwellings. The dwelling mix has been specifically tailored to provide housing currently undersupplied within the county with the SHMA indicating that 3 and 4 bed properties are generally under provided against resident's aspirations whilst specifically in the executive housing market there is a large demand for 3, 4 and 5 bed detached executive homes. Further it is proposed to provide a policy compliant 10% onsite affordable housing which ensures that the scheme meets all of the general market demands and facilitates the creation of a sustainable mixed community.

41. The design process has been heavily influenced by the sites semi-rural location with Charles Church's village styling proposed which incorporates stone window heads and cills, village style composite doors, sash style windows and a variety of door canopies. In addition build materials have been agreed pre-determination of the application with brindle and contrasting red bricktype approved along side the use of a smooth grey tile on all properties. This design approach and material selection ensures that the scheme will be in-keeping with surrounding development and congruous with its setting.
42. Despite being located beyond settlement limits and physically separated from Easington the site is actually well connected to the wide range of services and facilities within the village accessible within an acceptable walking distance via the existing lit footpath on the eastern side of Sunderland Road. Additionally the site and facilities are highly accessible by public transport with north and southbound bus stops existing adjacent to the site entrance which are proposed to be improved as part of the development, giving current and future residents a genuine sustainable transport options when travelling.
43. Charles Church have worked closely with the Local Planning Authority undertaking a suite of technical appraisals including ecology, archaeology, flood risk, transport and ground investigations which have met all the requirements of internal and statutory consultees such that there are no objections from any of these parties to the application.
44. With the policies within the Easington District Local Plan most important for determining the application considered out of date, due to being time expired, the NPPF provides clear instruction how applications within such policy climates are to be determined. Paragraph 11 of the NPPF states that decisions should benefit from the presumption in favour of sustainable development with section d detailing that where polices which are most important for determining the application area out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
45. The benefits of the application are summarised below under the three dimensions of sustainable development. There are no adverse impacts associated with the application which significantly and demonstrably outweigh these benefits.
46. Economic Benefits
The development will;
- Constitute £5.3m worth of Total Gross Investment into the area;
 - Support 26 direct construction jobs per year of construction;
 - Support 40 indirect and induced jobs per year of construction;
 - Enable £1m worth of Total Gross Household Expenditure per annum which can be spent in the locality;
 - Facilitate £220,000 of first occupation retail spend on furniture, fittings etc.;
 - Contribute £176,000 on optional extras such as enhanced kitchens, bathroom and flooring specifications.
47. Social Benefits
The development will;
- Provide a range and mix of 2, 3, 4 and 5 bed dwellings meeting a wide range of current and future market demands of residents;
 - Provide a policy compliant 10% onsite affordable housing;
 - Create an attractive well designed and safe built environment;

- Provide public open spaces within the site to support health and social wellbeing of residents, overlooked by development to achieve natural surveillance aiding the reduction in crime and the fear of crime.

48. Environmental Benefits

The development will;

- Bring back into use a derelict brownfield site making prudent use of land as a natural resource;
- Enhance the landscape through the replacement of the current highly visible, unattractive buildings and industrial floodlighting with an attractive residential development set within a landscape framework having a beneficial impact on the landscape and visual receptors;
- Provide housing in an area not at risk from flooding;
- Provide housing in close proximity to a range of existing services and facilities within Easington which are easily accessible by foot, cycle and public transport;
- Be constructed to Building Regulation Standard incorporating an enhanced building fabric to reduce energy consumption for the lifetime of the properties;
- Provide housing on a site of low ecological value enhancing the habitat offer through in plot and open space landscaping;
- Minimise waste and pollution during the demolition, construction and operational phases of development.

49. As such we would politely request that the committee support the officers recommendation and approve the application such that the development can commence and the regenerative benefit can be realised without delay.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon surrounding occupiers and character and appearance of the area, highways issues and section 106 contributions.

Principle of the development

51. This application proposes a residential development of 47 dwellings on the site of a former greyhound racing track which has been vacant for approximately one year. The site lies close to the built-up area of Easington Village which is considered a local centre supporting local resident's daily needs. 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 District of Easington Local Plan (DLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 11 of the NPPF. However, the NPPF advises at Paragraph 213 that to the weight to be afforded to Local Plan policy will depend upon the degree to which the policy is consistent with the NPPF.

52. The DLP was adopted in December 2001 and was intended to cover a five-year period. However, 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 depending on the circumstances. This application proposes a scheme of 47 dwellings to the north of the settlement boundary of Easington Village as defined in the District of Easington Local Plan and is on a former greyhound racing track with associated redundant buildings. In planning terms, the development of the site for housing would be in conflict with Saved Policy 3 of the Local Plan. However, policy 3 is considered to be out of date due to the antiquity of the evidence which underpins it and therefore the application must be considered in the context of paragraph 11 of the NPPF. Whilst weight can still be afforded to this policy, the weight must be accordingly reduced. This will be discussed in more detail later in this report.
53. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
54. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
55. Saved policy 66 requires developers to provide adequate provision for children's play space and outdoor recreation open space in relation to new housing developments of 10 or more dwellings
56. Saved policy 67 Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan. This is an out of date policy and does not fully accord with the NPPF so has reduced weight.
57. Subject to matters of access and layout discussed below, the site has scope to accord with the detailed requirements of saved policy 35 related to design, saved policy 36 relating to access and means of travel, the objectives of saved policy 66 relating to the adequate provision of recreational open space but would be contrary to saved policy 67 as whilst the proposal involves the re-use of previously developed land, it is outside of the settlement boundary.

The NPPF

58. 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 the development plan without delay; and- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- i) 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
 - ii) specific policies in this Framework indicate development should be restricted.

59. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
60. The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 11 of the NPPF is engaged, and an application is to be assessed in this context.
61. However, Paragraph 11 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

Five Year Housing Land Supply

62. Paragraph 73 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.
63. 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). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
64. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, ‘in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance’.
65. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.

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.

- a. Whilst an Inspector has recently expressed reservations over the Council’s calculation of supply in the context of appeal APP/X1355/W/17/3180108 – decision issued 10th May 2018, the Council remains of the view that a supply in excess of 5 years can be demonstrated on the evidence.
66. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

67. Paragraph 11 of the NPPF is engaged because saved Policies 3 and 67 are settlement boundary policies and the evidence which underpins them is out of date. As there are no policies which protect areas or assets of particular importance which would provide a clear reason for refusal, the application must therefore be approved unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. It is appropriate to carry out this balancing exercise after consideration of all other planning matters set out in this report.

Impact upon surrounding occupiers and character and appearance of the area

68. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

69. In terms of the street scene it is considered that the scheme is of a good quality. Dwellings would be two storeys in height and all would have their own front and rear garden areas along with an appropriate level of parking spaces, additional visitor spaces would also be provided. The dwellings would be constructed from traditional red brick and grey roof tiles which is considered appropriate in this location being similar to others in the area.

70. Two objections have been raised from a resident and the Parish Council stating that there would be an increase in construction traffic and that the village cannot cope with the need for further infrastructure. It is not considered that the construction traffic would cause any significant adverse impact and that a condition to control construction methods would be required. In terms of infrastructure, education officers have confirmed that the schools have adequate places to accommodate the development and that the proposals would help support existing services in the village.

71. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing.

72. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is a previously developed site in a location which is considered to be sustainable. There would be little or no impact on nearby residents given the distances involved. Having regards to part 12 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.

Highways Issues

73. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate. In addition to this, objections were received regarding increase in traffic and parking issues as well as the poor state of roads and footpaths.

74. Highways officers have requested and received a number of amended plans and a speed survey as there were initially concerns regarding the junction visibility splay onto Sunderland Road. Officers have commented that the revised plans are acceptable.
75. On the basis of the above, highways officers offer no objections to the proposals subject to conditions and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 9 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Section 106 contributions

76. Saved policy 66 of the District of Easington Local Plan states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. On this basis the applicant has agreed to make a financial contribution of £74,412 towards the provision or improvement of offsite recreation in the electoral division in line with the requirements of the Councils Open Space Needs Assessment. This will need to be secured by a Section 106 Obligation.
77. Secondly, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
78. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
79. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to take pressure from additional visitors away from the coastal designations of significant importance. Given that the applicant is not in control of any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution of £35,560.67 in line with the Councils "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper to be used toward capital item 3 of the Durham Coastal Management Plan which seeks to protect high tide roosts in order to directly off-set the impacts of the development on the coast, this contribution would also be secured through a S106 Agreement.
80. The developer has also agreed to provide five affordable dwellings on the site, three of which would be affordable rented and two would be discounted 25% of the open market value.

Paragraph 11 balance

Benefits

81. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, although the weight to be afforded to that boost is limited given the council's most recent position on 5 year housing land supply, the provision of executive and affordable housing, ecology and recreation contributions and the sustainable location of the brownfield site, the good quality of the scheme which replaces a derelict site, and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers.

82. No adverse impacts arising from the proposed scheme have been identified.

Applying the titled balance test in paragraph 11, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

CONCLUSION

83. The proposals involve the redevelopment of a derelict greyhound track which is close to established residential areas and within an acceptable distance to a good range of facilities and services in the village to serve the development. The scheme is considered to be good quality and in a sustainable location with a suitable access and layout. The scheme would provide affordable housing and is compliant with all relevant saved local plan policy and in the context of paragraph 11, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

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

- i. £35,560.67 contribution towards capital item 3 of the Durham Coastal Management Plan.
- ii. £74,412 contribution towards enhancement or provision of play facilities in the Easington Electoral Division.

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 only in accordance with the approved plans and specifications contained within:

Site Layout – ED-001 rev E
Materials Layout – ED-002

Alnwick – AN-WD01 rev L
Piccadilly – PY-WD10 rev L
Whitehall – WH-WD10 ref F
Downing – DG-WD10 rev H
Strand – ST-WD10 rev K
Harley – HY-WD10 rev M
Marylebone – ME-WD10 rev G
Mayfair – MY-WD10 rev H
Mayfair (corner) – MY-WD01 rev J

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan.

3. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan. *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.*

4. 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: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

5. 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 and to accord with policy 1 and 35 of the District of Easington Local Plan. *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.*

6. 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.

(b) 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 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 a of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works, 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. *This is required as a pre commencement condition in order to mitigate potential contaminated land risk which needs to be considered before site works commence.*

7. 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 Policies 1 and 35 of the Easington District Local Plan and part 12 of the NPPF. *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 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 the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 5 of the NPPF.

9. The development hereby approved shall be carried out in accordance with the mitigation measures contained within section H of the Easington Dog Track Ecological Appraisal dated June 2018.

Reason: To conserve protected species and their habitat in accordance with saved Policy 18 of the District of Easington Local Plan and part 15 of the NPPF.

10. The development hereby approved shall be carried out in accordance with the mitigation measures contained within part 9 of the Easington Greyhound Stadium archaeological desk based assessment dated February 2018.

Reason: The site is within an area of high archaeological potential in accordance with part 16 of the NPPF

11. Development shall be implemented in accordance with the Flood Risk Assessment by Patrick Parsons N15395 – Revision 5 dated March 2019.

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk in accordance with part 14 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

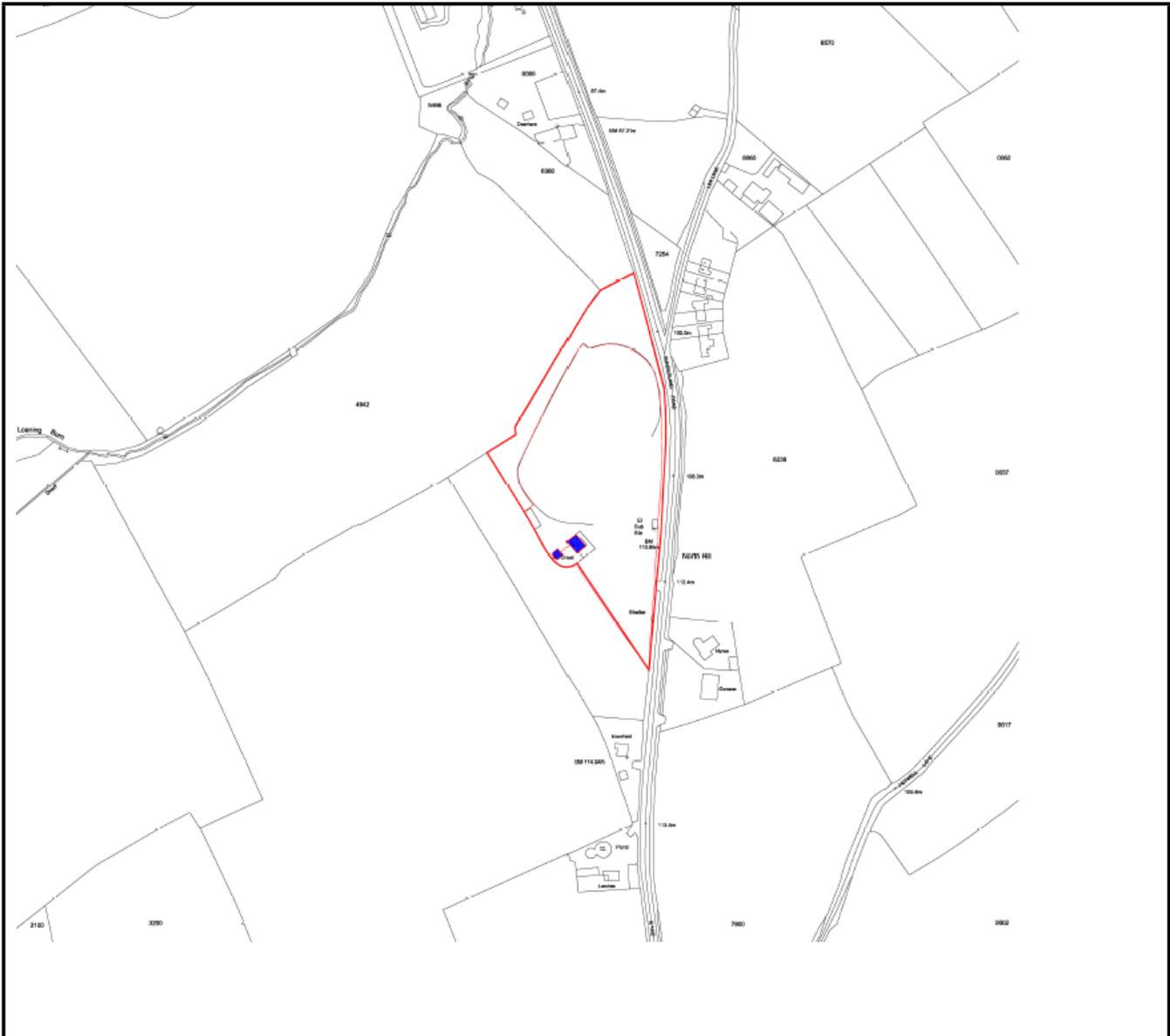
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



Planning Services

**47 dwellings at former dog track,
Easington Village, DM/17/03999/FPA**

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Comments

Date April 2019

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