



Area Planning Committee (Central and East)

Date Tuesday 8 September 2020
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 21 July 2020 (Pages 3 - 24)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/20/00165/FPA - Durham School, Quarryheads Lane, Durham, DH1 4SZ (Pages 25 - 36)
Proposed retention of 2 no. timber dugouts (shelters) erected to the north west of the existing artificial turf pitch.
 - b) DM/20/01518/FPA - Rear of 90 Ashbourne Drive, Coxhoe, Durham, DH6 4SP (Pages 37 - 46)
Erection of detached garage to rear of 90 Ashbourne Drive.
 - c) DM/20/01107/FPA - Land To The West Of The White House, Newcastle Road, Crossgate Moor, Durham, DH1 4HZ (Pages 47 - 78)
Resubmission of DM/20/00387/FPA for the erection of a single House in Multiple Occupation (Use Class C4).
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham

28 August 2020

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

Councillor J Clark (Chair)
Councillor A Laing (Vice-Chair)

Councillors G Bleasdale, D Brown, I Cochrane, K Corrigan,
B Coult, M Davinson, D Freeman, A Gardner, K Hawley,
S Iveson, R Manchester, J Robinson, J Shuttleworth and
P Taylor

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held remotely via **Microsoft Teams** on **Tuesday 21 July 2020** at **9.30 am**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors K Corrigan, B Coult, M Davinson, D Freeman, A Gardner, S Iveson, R Manchester, J Maitland (substitute for A Laing), J Robinson, J Shuttleworth and P Taylor

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, D Brown, I Cochrane and K Hawley and A Laing.

2 Substitute Members

Councillor J Maitland substituted for Councillor A Laing.

3 Minutes

The minutes of the meeting held on 26 June 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

4 Declarations of Interest

Councillor A Gardner declared an interest in Item 5b – as an employee of Durham University and took no part in the debate or decision on that item.

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

a DM/19/03566/OUT - Land to the North of West Farm Paddock, Cold Hesledon, Seaham, SR7 8RL

The Area Planning Team Leader (Central and East), Sarah Eldridge, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was an outline application for erection of 1 no dwelling with all matters reserved (re-consultation following change to ownership details) and was recommended for refusal.

The Area Planning Team Leader noted two updates relating to the application and report, with paragraph 2 of the report referring to the nearby site of the Pemberton Arms Public House, this should refer to the former Pemberton Arms Public House, now demolished with four dwellings being constructed on the site. She added that paragraph 32 of the report referred to five letters of support, a further letter had been received and therefore six letters of support had been received.

The Committee were referred to plans and aerial photos and it was noted the site was within the open countryside as defined within the District of Easington Local Plan. Members were shown photographs of the site and surrounding area for context, noting the settlement of Cold Hesledon with limited services and a small number of dwellings, with the adopted access road to the site being unlit and without footpaths. The Area Planning Team Leader explained that the application was in outline and referred to an indicative site layout plan also showing the stables and schooling area. She noted the application stated it was for security purposes following a series of crime incidents, however, at the current juncture there was not a rural business operating from the site. She referred Members to an aerial photomontage showing where the Seaham Garden Village would be located, that site having outline planning permission and therefore it was an indicative layout and the final detailed design detail had not yet come forward. She noted the indicative village centre and areas of residential development, however, she explained it was felt to be premature to give weight to any future relationship between the application site and the Garden Village development.

The Area Planning Team Leader noted there were no objections from technical consultees subject to conditions, namely Highways, Archaeology Ecology, Environmental Health and the Landscape Section.

She added in terms of public responses there had been six letters of support and a 60 signature petition in support, with signatories from a wide geographical area, and no comments or representations in objection to the application had been received.

The Area Planning Team Leader noted that in terms of the principle of development the policies within the Local Plan were out of date and therefore consideration would be via Paragraph 11 of the National Planning Policy Framework (NPPF), whether the benefits of the application outweighed the impacts of development. She noted in terms of sustainability, the site was not isolated in that it was surrounded by dwellings, however, it was within the open countryside, very much within the rural setting. She added that new dwellings within the countryside are generally considered where there is a requirement for a rural worker to be on site to perform their duties and the NPPF required that new developments should be located in area that were sustainable, limiting the need for travel. It was explained the nearest bus stop was 0.5km away and occupiers would need to walk along the unlit track without a footpath, with services between Sunderland and Hartlepool and Sunderland and Durham running approximately once an hour.

It was explained that there was not easy access to amenities from the site, with Murton approximately 2km away and Dalton Park around 1.5km away, although Dalton Park had limited facilities to meet the daily needs of occupants and it was felt residents would be reliant upon use of private vehicles. She added that if the Garden Village did follow the design as set out within the indicative plan, it would be approximately 850m to the centre of the Garden Village from the application. In relation to the impact on the character and appearance of the area, the Area Planning Team Leader noted the building was somewhat detached from the existing clusters of buildings and it was considered that it would represent a further incursion into the countryside. She noted there were no concerns relating to residential amenity or highways issues and it was noted the Applicant was putting forward a case in terms of crime and disorder, noting a number of incidents at the site, however, Officers did not feel these outweighed the impacts of the development in terms of the visual impact and sustainability.

The Area Planning Team Leader noted in conclusion that while the application would provide some limited economic benefit in terms of the construction of the site, expenditure by future occupants and potential to reduce future incidents of crime, this was not felt those limited and site specific benefits were sufficient to outweigh the wider ranging adverse impacts of a dwelling in an unsustainable location and the impact upon the character and appearance of the open countryside and therefore the recommendation was for refusal.

The Chair thanked the Area Planning Team Leader and noted there were two registered speakers, Councillor L Pounder and Ms Helen Heward, Agent for the Applicant asked if the Senior Committee Services Officer, Ian Croft could read out a statement on behalf of Councillor L Pounder who was not able to attend the meeting.

The Senior Committee Services Officer noted the statement from Councillor L Pounder read as follows:

“Thank you for reading out my statement, I feel strongly about supporting development which is going to have a positive effect on the economy of our County whilst also resolving an ongoing criminal activity.

Five letters of support have been received stating what a positive benefit this property would be to the area. A petition of support with 60 signatures has also been provided, no objections have been received. This scheme is supported by our community.

The development will add to our housing supply at a time when our economy has been plunged into depression, our area needs jobs and a small scale housing project will use small scale local trades people, whilst the Committee Report references that the development would only make a minor economic uplift, if we added together all small scale development this would not be minor and so we should stop being blinkered and look at supporting our community.

There is ongoing problem with crime which have been raised by supporters of the scheme and whilst the owner of the site has put in place security measures such as gate locks and CCTV these have not deterred criminals from targeting the site.

The applicant has risked his own personal safety by staying at the site in their vehicle over night to protect their property and animals, this is not right in a time when the safety of a home has never been more necessary during this pandemic. There have been financial costs, but you can't put a cost on the mental anguish resulting from concerns for the welfare of the horses kept at the sits.

In terms of the location, the Committee Report highlights that the site is not sustainable however the was a recent appeal on a site nearby, at Saddleback Cottage, Cold Hesledon with similar access and connectivity which was allowed as the Inspector concluded that the site was a sustainable location for a dwelling.

It seems perverse that based on the same planning policies an independent Planning Inspector considered Cold Hesledon sustainable and yet the Committee Report does not - we need consistency in decision making. This appeal decision was based before Seaham Garden Village was approved and now that development has started this only adds to the site's sustainability.

I implore you all to support this development, the benefits of this application are obvious.

- 1) It's in a location which has been established as a sustainable location by an independent inspector, amongst a cluster of other properties and right next to Seaham Garden Village.*
- 2) It will provide the opportunity for local trades to work on a local site, supporting our economy at a time when people are desperate to work.*
- 3) It will provide a home for a member of the community to enable him to look after his horses in a safe environment, deterring the existing criminal activity currently experienced.*

A safe home is of paramount importance in the current climate, so let's join our community and support the development. Thank you".

The Chair thanked the Senior Committee Services Officer and asked Ms H Heward to speak on behalf of the Applicant in support of the application.

Ms H Heward thanked the Chair and Committee for the opportunity to speak on behalf of the Applicant. She explained that they had read the Officer's report and were disappointed that they did not support the application in this instance. She explained that they understood that national and local policies looked to resist isolated dwellings in the countryside, however, the application would not result in an isolated dwelling. Ms H Heward noted that proposals were only 35m away from existing dwellings in Cold Hesledon, where policy required a minimum distance of 20m in any case. She added that the photographs shown within the Officer's presentation did not show the closest dwelling to the proposals, just to the south of the site, and she would argue that the proposals did not intrude further into the countryside than existing buildings on the site which consisted of a large American style barn with stables inside and a riding arena, therefore the proposed dwelling would not appear isolated and would relate well to the existing built form that surrounded the site.

Ms H Heward noted that the approved Seaham Garden Village was also important in terms of consideration of the application in that it was in the next field to that of the proposed dwelling.

She added that while the details were not yet known, a discharge of condition had been submitted to the Council, inferring that it was reasonable that scheme would come forward and provide various shops and facilities within walking distance to the proposed dwelling regardless of the specific details, with the proposed dwelling being ultimately viewed within the context of that large development. It was explained that the main reason for the Applicant wishing to provide a dwelling at the site was as a result of the number of incidents of crime, the site having been consistently targeted by criminals resulting in loss and damage to property and associated financial cost. Ms H Heward added that on a number of occasions the criminals had left the gates open which would allow for the horses to wander out onto the public highway, posing a danger to the animals and road users. She added this had placed great stress on the Applicant, who himself had taken personal risk, sleeping in his car, to prevent such criminality from occurring. She informed Members that additional security measures, such as gate locks and CCTV had been installed, however these had not deterred criminals from targeting the site and noted that allowing the dwelling would provide a permanent deterrent to criminals.

Ms H Heward noted that the Officer's report stated the site was unsustainable and would rely upon private cars for travel, however, allowing a dwelling at the site would reduce trip generation as the Applicant drives to and from the site at least two to three times a day. In addition, she noted that the Highways Section had raised no objections to the application in respect of the access. She noted that importantly there had been a recent appeal on a site nearby at Saddleback Cottage, Cold Hesledon with similar access and connectivity which was allowed. She noted that in that case, the Inspector concluded that even though the occupiers would have to negotiate a narrow country lane, that would be for a relatively short distance and the lane was not heavily trafficked and therefore in allowing the appeal the Inspector considered that the site had access to regular services, bus stops and lit footpaths which linked the development to the existing built form and as such the site was a sustainable location for a dwelling. She noted it was reasonable to expect a resident of the proposed dwelling to walk to the nearby bus stop or use the convenient, recently opened shop at Dalton Park for their daily needs.

Ms H Heward noted local residents were consulted upon the application and six letters of support had been received, alongside a 60 signature petition, and she pointed out the application did provide significant economic benefits, and in the current climate where Government was encouraging people to build it needed to be a priority to support small-scale development where a local workforce is likely to be used, in order to help the economy recover.

In summary, Ms H Heward reiterated that the proposals represented a number of social, economic and environmental benefits and the site was a sustainable location for a dwelling, providing much needed security for site without intruding on to the open countryside. She concluded by respectfully asking the Committee to go against the Officer's recommendation and approved the proposed dwelling at the site.

The Chair thanked Ms H Heward and asked the Area Planning Team Leader to respond to the points raised by the speakers.

The Area Planning Team Leader noted that in respect of the appeal decisions referred to for Saddleback Cottage, that location was further south than the application site and sat within an enclave of existing buildings, and was a conversion scheme, and the appeal took place five years ago and in the context of the Pemberton Arms still being a Public House and the Morrisons store that had been built at Dalton Park, though not yet occupied. She explained that Officers noted several more recent appeals decisions, that reflected more closely the circumstances of this case, with one such appeal decision referred to within the report, at Castle Eden, where access was along a similarly unlit lane without footpaths and with the Inspector in that instance concluding that a 250m lane would make that site an unsustainable location. She added that an estimate of the length of the access in respect of the proposal was approximately 400m to where it joined the main road adjacent the site of the former Pemberton Arms Public House.

The Chair thanked the Area Planning Team Leader and asked the Principal Highway Development Management Engineer, David Smith to speak in relation to the issues raised.

The Principal Highway Development Management Engineer explained that when looking at new housing development, the Highways Section would look at a publication from the Chartered Institute of Highways and Transportation (CIHT), "Journeys by Public Transport", which sets out the journeys to public transport by foot. He added that the application site was over 400m away from the nearest road junction with the B1432 and the publication noted a comfort level for a person waling to public transport. He noted the access lane had no footpath, was not lit, was very narrow with potential to come into conflict with traffic, and the distance in total to the nearest bus stop was around 500m, which had an hourly service. He noted those negative aspects, together with low lighting levels especially in the winter months, were not conducive to walking on foot and he would agree with the comments of the Highway Development Manager within the report that the location was not a sustainable location.

The Chair reminded Members that should they realise they have a declaration of interest in any item they should make it known.

The Chair asked the Committee for their comments and questions on the application.

Councillor J Maitland noted that she was a Member for the adjacent Murton Electoral Division and explained that from listening as regards the proposed development she could only see it as being good. She added that there had been no one against the application and that all the representations had been in support and that the anti-social behaviour that had been occurring would be deterred if someone was living at the site, noting the Applicant had been sleeping in their car at the site. She noted that the proposal site was near to the Garden Village, where plans had been approved and it was hoped that scheme would go ahead. Councillor J Maitland noted the reference to the appeal relating to Saddleback Cottage which was not very far away from the application site and concluded by noting she wished to go against the Officer's recommendation and proposed that the application be approved.

Councillor J Shuttleworth noted that he struggled on occasion where a site is referred to as an "unsustainable" location, with his idea of an unsustainable location being 20 or 50 miles away from anywhere else. He added he agreed with Councillor J Maitland and the Local Members in that he felt the application was of benefit, could create a couple of local jobs and would stop the anti-social behaviour and therefore he would second the approval of the application.

Councillor P Taylor noted that in terms of planning regulations he felt the case was fairly cut and dry for the application and he agreed with Officers that it represented an incursion into the countryside, would have an adverse impact upon the character and appearance of the area and he noted his concerns as regards pedestrians walking in darkness. He added he gave no credence to the 60 signatures in the petition that came from far and wide, with the application having no impact upon those that had written in. He noted that when looking at the application on its own merits, bearing in mind representations and Appeals decisions, from the NPPF and Local Plan the application was a "non-starter" and therefore he agreed with the Officer's recommendation and he would move refusal of the application.

Councillor J Robinson referred to paragraph two of the report which referred to planning permission for four houses at the former Pemberton Arms site and asked why permission would be given for that nearby location, and the nearby Garden Village, if the argument for refusal of the current proposal was that it was in an unsustainable location. The Area Planning Team Leader noted that the former Pemberton Arms site was at the end of the 400m track previously referred to and was adjacent to the bus stop mentioned.

The Chair noted Councillor J Maitland had proposed the approval of the application and Councillor J Shuttleworth had seconded the proposal. She added that Councillor P Taylor had proposed that the application be refused and asked if there was a seconder to his proposal. Councillor M Davinson noted he would second the proposal for refusal. The Chair asked the Solicitor – Planning and Development to coordinate the voting, in the order of the proposals, for approval in the first instance.

The Solicitor – Planning and Development noted that the vote would be for approval of the application, subject to appropriate conditions, adding what he had understood from the Members proposing the approval was they believed, in the context of the NPPF Paragraph 11 balancing exercise, that the adverse impacts of the development did not significantly and demonstrably outweighed by the benefits of the proposed development.

Upon a vote being taken, the application was **Approved**.

The Chair noted that accordingly there was no need to consider the motion for refusal and noted the Area Planning Team Leader wish to clarify a point. The Area Planning Team Leader noted there would be a need for an appropriately worded suite of conditions as well as a Section 106 Legal Agreement as the site was within the 6km coastal buffer zone, a contribution of £756.61p to mitigate against that impact. Councillor m Davinson added that as usual the conditions and agreement should be subject to consultation with the Chair and Vice-Chair of the Committee.

RESOLVED

That the application be **APPROVED** subject to a suite of conditions and Section 106 Legal Agreement, the details of which to be delegated to the Planning Officer in consultation with the Chair and Vice-Chair of the Committee.

b DM/19/03753/FPA - 1-4 Green Lane, Durham, DH1 3JU

The Planning Officer, Jennifer Jennings, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was the change of use from 4 no. C3 residential buildings to 4 no. B1 office buildings and was recommended for approval subject to conditions.

The Planning Officer, JJ explained there were two updates for Members in relation to the application, an update to the wording of Condition 3 to reflect the updated Sustainable Travel Plan and that following the final draft of the City of Durham Neighbourhood Plan moving into the examination in public stage, the plan could be attributed weight in line with paragraph 48 of the NPPF.

The Planning Officer, JJ noted the heritage features and character of the terrace, such as the sash windows, and noted the rear yards to the properties and the nearby University office block. She referred Members to rear elevations and nearby Valuation Office car park, the office block and nearby student accommodation block. She asked Members to note the proposed internal layout, with minor internal alterations and making good the existing sash windows. She referred to the parking plan and area in blue which benefited from University parking permits. She noted that the Highway Section had noted no objections and that the Design and Conservation Section acknowledged the building was of heritage value, though was not a Listed Building, and the proposal would have no impact on the character of the area or the Conservation Area. She added that Environmental Health had also raised no objections to the proposals.

The Planning Officer, JJ noted four letters of objections had been received with a summary of their representations being set out within the report, namely in terms of loss of family housing within the city centre, historic links to the railway station that existed, the buildings in poor condition, with timber windows left to rot and original features removed, and that parking and congestion would be increased, the Travel Plans being aspirational.

The Planning Officer, JJ explained that in principle the proposed change of use of the terraced properties to office accommodation was considered acceptable, due to being suitably located, close to University buildings, the town centre and readily accessible by sustainable transport modes. She added that the proposals would not require external alterations ensuring the historic character or appearance of the terrace was retained, thus preserving the character and appearance of the surrounding Conservation Area. It was added that the continued use of the building would also ensure its upkeep and maintenance. The Planning Officer reiterated that there were no concerns regarding impact on amenities of neighbouring occupiers and, while the proposal has generated public interest with four letters of objection received, the objections and concerns raised had been taken into account and addressed within the report. She concluded by noting that, on balance, the concerns raised were not felt to be of sufficient weight to justify refusal of this application and therefore the application was recommended for approval.

The Chair thanked the Planning Officer, JJ and asked the Senior Committee Services Officer to read out a statement on behalf of Mr Alan Hayton, representing the Whinney Hill Residents' Association, and who was not able to attend the meeting.

The Senior Committee Services Officer noted the statement from Mr A Hayton read as follows:

“It had been our intention to attend the Committee meeting but unfortunately, due to the situation which faces us at present due to Covid-19 and the need for the meeting to be conducted via ZOOM we are unable to take part in person but have provided a written statement.

To support our original written objection to this application we would like to make the following comments:

- 1) In our initial objection we referred to the University's claims that the construction of the large-scale Palatinate Building on Stockton Road (opened 2012) was intended by the University to address all of its office requirements (now and in the future) and at the time this claim was central in supporting their application for approval. The Planning Officer states that it is accepted that with any business that different needs emerge over time and it is not unreasonable for the University to seek out further office accommodation. The Officer further states that the application must be determined on its own merits, regardless of what previous intentions the University may have had with regards office accommodation. This would appear to indicate that any argument can be presented in order to gain approval and then it can be conveniently disregarded when it has served its purpose. As it would appear with the Palatinate Building.*
- 2) The Planning Officer refers to the proposed change of use of the dwelling houses can be suitably accommodated in this location, given the close ties with nearby University facilities. Most of the land nearby is open land given to sporting activities i.e. Durham City Rugby Club, The Cricket Club and The Rowing Club. There are also flats and the Magistrates Court nearby plus some University offices (which no doubt will be relocated at some point as part of the University's expansion plans). Consequently, we would consider the reference to 'close ties' as being rather exaggerated and given more emphasis than is justified.*

- 3) *Durham University has claimed in the past that it takes its responsibilities for protecting the heritage of Durham City very seriously and yet these Victorian Railway Cottages which Durham University have owned for some time have been allowed to disintegrate into such a poor state that it is now claimed that the conversion to offices will actually help preserve these buildings. As the last vestige of the City's railway heritage Durham University should be restoring them fully, both internally and externally, instead of merely incorporating them within their expansion plan.*

- 4) *The Planning Officer refers to the National Planning Policy Framework: 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>). The point clearly being made is that sites and buildings do not have to be on the scale of castles or cathedrals to be retained for the benefit of future generations. Consequently, the Victorian Railway Cottages should be conserved as residential units fully restored as example of the period in which they were created in and, the social history evolution depicted within them.*

- 5) *The Committee report under Planning Policy paragraph 9 refers NPPF part 2, Achieving sustainable Development, however NPPF 2 part 8b does not appear to be referred to and states:*

'8 b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations...'

By retaining the Victorian Railway Cottages as family homes, the above objective is achieved, and a mix of quality residential homes is maintained which would comply with DCC policy of maintaining and preserving mixed and balanced communities.

- 6) *Paragraph 36 of the Committee Report refers to applicant's statement which claims potential benefits to local trade. Obviously, that would be a possibility rather than the properties being left empty. However, there would be a more immediate and long term benefit for local businesses if the properties were returned to family housing - giving a 7 day trade to both shops and evening premises and also avoiding the loss to trade if the offices were relocated at a later date.*
- 7) *The Planning report also refers to paragraphs 47 and 48 within the Planning Consideration and Assessment section. The application refers to a site which is at the far end of Green Lane and not located within the city centre. Consequently, we are not sure what the relevance of para. 47 is, as there is no bus stop anywhere near this location and the bus service on the adjoining Whinney Hill has been withdrawn. Therefore, it would appear to have no bearing on the application. The reference to para. 48 is also surprising as it refers to Saddler Street which is in the city centre. Surely, this only reinforces the point that even more family/residential accommodation is being taken out of circulation in order to facilitate Durham University's poorly thought out expansion.*
- 8) *It is also reported that Highways have no objections because the University can issue parking permits and they have 202 parking spaces which are operating under capacity at present. We would make four points:*
- a. At present Covid-19 is having an impact on University staff working practice and consequently all of their car parks could be described as operating under capacity.*
 - b. During normal none Covid-19 times, Green Lane is awash with cars so approval of this application will simply result in the displacement of present car users.*
 - c. When the Business School is completed (and during its construction), Green Lane will become an obvious choice as a car park. Again, present car users will be displaced.*
 - d. Even now, during Covid-19, if you take a walk down Green Lane you will see that the parking spaces located there are in high demand.*

- 9) *We would also suggest that at least part of the applicant's statement is disingenuous when it states:*

'We (The University) has found there is no demand for renting the properties in their current condition and is not viable for Durham University to Invest in properties for rental to staff. Conversion to office use restores the buildings, bringing them back into beneficial use. It is anticipated that this will be a short term proposal until there is a proposed bespoke office accommodation for the Faculty of Arts and Humanities. Works have also been designed to facilitate conversion back to residential in the future'.

We would highlight two points:

- a) *The University claim there is no demand for renting the properties in their current condition or viable for them to invest in. As the current owners of the properties, the University should be maintaining them to a degree which enables them to continue to be sought after as residential properties, as they have been in the past. Therefore, the question should be why has the University deliberately allowed these properties to fall into such a poor state of repair?*
- b) *It is claimed that this is a short-term proposal and the properties can be converted back into residential use. In response firstly, in 2017 a University representative suggested that as part of Durham University's expansion Masterplan that the properties could be demolished as part of their development plans for Green Lane. Secondly, having conceded that it is not viable for Durham University to invest in these as rental properties; it is to be considered disingenuous that after allowing these Victorian Railway Cottages to fall into disrepair once that the University would be in any rush to convert them back into high quality residential units which genuinely reflected the period they depict?*
- 10) *DCC are the custodians of Durham City and yet year on year Durham City is losing its once, unique identity and is being absorbed into the corporate identity of Durham University. By approving this application DCC would merely be endorsing this loss of Durham City's identity and heritage.*

We have been assured by DCC Conservation Officer's that the Victorian Railway Cottages have been afforded protection and can't be demolished, which back in 2017 a senior University representative said was a possibility. Now, it is proposed to convert these Victorian Railway Cottages which, up until now have been used as residential properties, into 14 office rooms.

The Planning Officer's report refers to Design and Conservation being consulted and for their views on the proposals. They confirmed the terrace of Victorian Railway Cottages dates from c.1898 and is rare within the city as it was built as part of the Durham Station-Elvet part of the Durham, Elvet & Murton branch line, with many of the buildings associated with the station demolished in the 1960s. They note that the terrace contributes positively to the surrounding conservation area and in this respect the proposed change of use to secure their use/occupation, along with associated fabric restoration works would be beneficial moving forwards.

In conclusion therefore, it would appear clear that these Victorian Railway Cottages do have a significant part to play in celebrating Durham City's railway heritage but it would also appear that these residential properties have been seriously neglected and, the Design and Conservation departments support for the change to office use is seen primarily as a way of preventing further erosion of these rare and unique properties within the city rather than fully endorsing the Change of Use application. As part of safeguarding Durham City's Railway heritage this application should be refused and the properties completely refurbished by the University and, they should continue to provide much needed housing in this corner of Elvet for either local residents or university staff. Thank you".

The Chair thanked the Senior Committee Services Officer and asked the Planning Officer, JJ to speak in respect of the points raised within the statement.

The Planning Officer, JJ reiterated that the application was for a change of use to office buildings and regardless of other applications, the application must be determined on its own merits. She added that the area was already in mixed use, and that the site was well related to other University offices as well as student accommodation. She noted that in respect of the concerns raised regarding the current state of the properties, the reuse of the building would help in terms of their maintenance and upkeep and no external alterations were proposed and would not prevent their reversion to residential use at a later date. The Planning Officer, JJ noted while there would be merit in retaining the properties as dwellings, the application for change of use was deemed as being acceptable and there were not solid grounds for refusing the application on the basis of loss of housing. She added that as regards bus stops, while there may not be bus stops on Old Elvet, there were bus stops on New Elvet, just under 500m away. She noted parking issues were discussed within the Committee report and that there was a number of methods of accessing the site including walking and cycling and that the reuse as offices did not impact upon the heritage value of the building.

Councillor A Gardner declared an interest, as an employee of Durham University.

The Chair asked the Committee for their comments and questions on the application.

Councillor D Freeman noted he was a Local Member for Elvet and Gilesgate and that he had a lot of sympathy with the objection letter that was read out on behalf of the Residents' Association covering the main points why the proposals were an unsatisfactory application. He noted his concern was the loss of four domestic properties, with those properties having been occupied relatively recently, within the last few years. He noted the University was claiming no one wanted to live there now, though he believed this was largely down to the actions of Durham University in letting the properties run down to a state where University staff would not want to live there. He added that the properties were only metres away from other, non-student, residential properties and were not simply four student properties surrounded by office blocks, rather it was part of a residential street if one was to include the student properties. He added that the properties were the last remaining relics of what was Elvet Railway Station, the buildings being originally cottages for railway workers and therefore there was a historic reason for preserving the properties for residential use. He noted the historic environment of Durham was not just the Cathedral and Castle, it included the industrial heritage, with Durham once having three railway stations all within close distance to each other. He reiterated that he felt there was an argument to preserve the buildings for their original use as residential properties. Councillor D Freeman noted he found it difficult to see any benefits to the application, rather it was further damage by the University who he felt had a history of causing many of the problems his city experienced today. He agreed with residents in their suggestion that the University should invest in the houses which would then allow University staff to live in the city centre rather than moving out because they cannot find a house within the city as they are full of students. Councillor D Freeman noted the Residents' Association had raised Part 16 of the NPPF and saved Local Plan Policy H2 and he added he felt the application was contrary to those policies.

The Solicitor – Planning and Development noted that Councillor A Gardner had declared a pecuniary interest and therefore would need to leave the meeting. The Senior Committee Services Officer noted he could remove Councillor A Gardner from the meeting and re-invite him once the item had been determined.

Councillor A Gardner left the meeting at 10.40am

Councillor B Coult asked for clarification regarding the floor layout and were there going to be doors to allow for movement internally between the properties. The Planning Officer, JJ noted that this was not the case and all the properties would be accessed by their own individual external access, with the internal walls remaining to separate the buildings.

Councillor P Taylor noted with sadness the stark contrast between old properties and the new buildings and agreed with the comments from Councillor D Freeman and the comments from Mr A Hayton on behalf of the Residents' Association. He noted the beautiful looking railway cottages surrounded by the corporate cloak, enveloping rest of the area. He also added that he felt it was difficult to make a case against the application, with the Planning Officer, JJ being right in the points she had made, and he felt that any refusal would not be sustainable at appeal. He reiterated that he felt very saddened and he wished that the University would have proper participation within communities and play their part and do something nice for a change.

Councillor J Robinson asked for clarification as regards paragraph 35 onward of the report, noting the University had mentioned in their statement they could not afford to repair the houses, however, they would be able to afford to convert them to offices and then back to residential properties afterwards. He asked would it be possible to condition the office use for a temporary period of one year for example.

The Solicitor – Planning and Development noted that it would be very difficult to impose that type of condition, the Planning Officer having assessed the application on the basis of a permanent change to office accommodation, if there were any doubts about the impacts such that a trial period was required to assess the impacts, then in those circumstances a temporary or time-limited permission may be appropriate, however, that was not the situation and therefore he did not believe there was justification for a temporary permission.

Councillor J Shuttleworth noted he agreed with both Councillors D Freeman and P Taylor. He added the University appeared to get whatever they asked for from the Council and he felt residents within the city were sick of it. Noting an example being what he considered to be a monstrosity of a building on Durham Road, off Hallgarth Street, with residents from that area being up in arms as regards that development around 10 years ago.

The Chair noted she had a question as regards paragraph 17 of the report which referred to NPPF Part 16 - Conserving and enhancing the historic environment and asked whether there was anything the Committee could add, in similar terms to the blue plaques that are attached to buildings of significant historical value in this particular instance, referencing the historic railway use. The Planning Officer, JJ noted it could be suggested, however, she did not feel it would not be a requirement through condition.

The Solicitor – Planning and Development noted he agreed with the Planning Officer, JJ and that if it was something the Committee wished to be communicated to the University as Applicant then that could be done, purely as an encouragement. The Chair noted she understood that it would be a suggestion, rather than condition.

Councillor J Maitland noted that paragraph 35 of the report noted “temporary office use” and asked if the University could sell the properties as offices to a third party and whether there was anything the Council could do in that case in terms of reverting the properties back to residential use. The Solicitor – Planning and Development noted that he did not feel there could be a requirement for the properties to be changed back to residential use in the future, and in any case that change of use back would itself require planning permission, should the change of use to office use be successful. He added that the University could sell the properties as office use, however, that was not an issue for the Committee.

Councillor P Taylor noted he wished to support the comments of the Chair and he would wish for the Council’s Design and Conservation Team to be bold in terms of protecting buildings within Durham City at all costs and the comments that the proposals would have a “neutral effect”. He added that while the façade may remain unchanged, there would be an effect, the buildings were becoming offices and it represented another loss of residential properties within the city.

The Solicitor – Planning and Development noted a minor correction to what he had said, in that there would be some permitted development rights for conversion from office use back to residential use, subject to a prior approval regime, so the Council would have some element of control, however, not total control.

Councillor M Davinson noted that, while it may not be an application that he or the Committee liked, he felt that from the information provided by Officers, the application was technically appropriate and therefore he would propose approval in line with the Officer’s recommendation. Councillor J Maitland seconded the motion for approval.

The Chair noted for a comment to be included to encourage the University to work with the Design and Conservation Section in future.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the Officer’s report.

Councillor A Gardner entered the meeting at 10.57am

c DM/20/00340/FPA - 1A - 1F Victoria Terrace, Durham, DH1 4RW

The Planning Officer, Lisa Morina, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for alteration of existing building to provide increased/reconfigured living accommodation to 6 apartments (use class C3) including conservatory to gable elevation (revised scheme) and was recommended for approval subject to conditions.

The Planning Officer, LM explained there were several updates to the report including, similarly to the previous application, the site was within the City of Durham Neighbourhood Plan area and therefore weight would need to be given to the policies contained within the draft plan, namely policies: S1 – Sustainability, H2 – Development within the Conservation Area; D6 – extensions; and T1 and T2 relating to transport and parking. She noted that the application was considered to be consistent with those policies. It was explained that the City of Durham Parish Council had, since the publication of the report, withdrawn their objections, following the amendment to the application, to be discussed further within the presentation. She asked Members to note that some comments from objectors related to the potential for a house in multiple occupation (HMO), however, the application was for householder alterations only, not for change of use from C3 to C4 use and therefore the application had not been assessed as a HMO application. She added that the property was located within the Article 4 Direction area and therefore there was the ability to control use should an application for C4 use be submitted.

The Planning Officer, LM referred to aerial photographs and location plans and noted the property was unlisted and located within the City of Durham Conservation Area. She noted historic maps showed that the property was built in between 1860-1894 and it, along with the other properties along Victoria Terrace and Albert Street were considered to be the finest examples in Durham of planned domestic architecture. She noted the application was for reconfigured living accommodation under the C3 use class, with an external fire escape to be removed from the front elevation and for a conservatory to the side elevation to replace the remains of previous development. She added that replacement windows were also proposed. She added that the application was requested for consideration by Committee at the request of the City of Durham Parish Council on the basis of objections relating to design and use class issues. She reiterated that those objections had been withdrawn following amendments to the application.

The Planning Officer, LM noted the original application had included a two-storey extension to the rear, withdrawn by the Applicant in relation to the impact upon residential amenity for the neighbouring properties. She added that there was a parking area on the original application, this too being removed by the Applicant in terms of the impact upon the Conservation Area and protected trees. Members were asked to note the current and proposed layouts for each floor within the property, for a total increase of 5 bedrooms across all floors.

The Planning Officer, LM noted no objections from the Highways Section as the application was within a controlled parking area and the Design and Conservation Team noting a neutral impact in terms of the Conservation Area. She added the Ecology Section and Tree Officers offered no objections, subject to conditions.

In terms of representations, the Committee were asked to note there had been three letters of objection from residents and the City of Durham Trust, with concerns including the total number of bedrooms, external alterations – relating to the withdrawn element, the car parking area – again removed from the application; a lack of pre-application discussions; and a lack of details relating to whether the application was for C3 or C4 use. She added there was support for the removal of the fire escape and tidying up of the property. Following re-consultation, subsequent to the removal of the extension and car parking elements, the City of Durham Trust submitted additional comments welcoming removal of those elements, however, reiterating their concern in terms of HMO status and the increase in bedroom space on general residential amenity. She noted that the City of Durham Trust also asked for the consideration of some additional conditions relating to the garden, steps and trees should the application be approved.

The Planning Officer, LM noted that the principle of the development was set out within the report and reiterated there had been no objections from Officer consultees subject to conditions. She concluded noting that, as the application was felt to meet all the necessary policies within the NPPF, Local Plan and requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the application was recommended for approval.

The Chair thanked the Planning Officer, LM and noted Mr John White, Agent for the Applicant was in attendance to speak on behalf of the Applicant in support of the application.

Mr J White thanked the Chair and Committee and noted the Applicant had recently acquired the property and it had not been in a good state of repair and had been unsympathetically altered over a significant period of time.

He noted the brief in preparing the proposals for refurbishment were to restore the property to its former glory whilst increasing its marketability and desirability to potential tenants. He added it was hoped the development would have a significant positive effect on the building, setting, the local area and the wider Conservation Area. He noted issues to be considered included removal of the fire escape, replacement of the unsympathetic windows with painted timber windows, a timber conservatory in a period style in the location where one had been previously situated, and internal alterations to allow for the removal of the external fire escape and increase marketability. He noted this would allow for repair and restoration of the paving, steps and garden which would improve the wider environment and Conservation Area. He added proposed alterations would allow direct access from the ground floor flats to the garden, allowing better use of that space. He noted that throughout the process it had been noted the property was occupied by a mix of families and professionals and that this would be how the property would be marketed and the use would remain as C3. He reiterated there was no desire from the Applicant to change the use class, and as mentioned by the Case Officer the property was within the Article 4 area and therefore would be controlled by the Committee should that ever be required, though he reiterated there was no desire from his Client to seek a change of use. He concluded by noting the intention was for the property to remain for use by families and professionals, with the proposals to increase the revenue from the property to allow for repairs and refurbishment and to maintain the property for the future.

The Chair thanked Mr J White and asked the Committee for their comments and questions.

Councillor J Shuttleworth noted he felt it was a very simple decision for Committee and he proposed approval. Councillor P Taylor noted he warmly welcomed the application and seconded the application while giving appreciation to Mr J White and the Applicant, adding it was nice to see an Applicant listening to the concerns of residents and making changes to an application so that it would fit in sympathetically within the city

Councillor D Freeman noted he too welcomed the revised application, adding he would have opposed the application in its original form. He echoed the comments of Councillor P Taylor and emphasised that improvements to the garden would be greatly appreciated, would very much enhance the property and potential income for the owner and therefore he too supported the application.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the Officer's report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00165/FPA
FULL APPLICATION DESCRIPTION:	Proposed retention of 2 no. timber dugouts (shelters) erected to the north west of the existing artificial turf pitch.
NAME OF APPLICANT:	Mrs Kathryn Rochester
ADDRESS:	Durham School Quarryheads Lane Durham DH1 4SZ
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Michelle Stephenson Planning Officer Telephone: 03000 263963 Michelle.Stephenson2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the historical Durham School complex, located within Durham (City Centre) Conservation Area (CA), and specifically the all-weather sports pitch granted permission in 2002. The substantial school building occupies a prominent corner position at the junction of Quarryheads Lane and Grove Street / Margery Lane and standing on the outer ridge of the River Wear gorge.
2. The school complex comprises of various buildings, a few of which are listed including the main south building (Grade II 1843-44), the gateway (Grade II 1843), the porter's lodge, gymnasium and workshops (Grade II 1889-09), along with the unlisted chapel. To the south east and south west exist several sports pitches, which feature mature trees along the boundaries and small pockets of woodland.

The Proposal

3. This application seeks retrospective consent to regularise the erection of 2 no. timber dugouts (shelters) on the edge of the existing all-weather sports pitch at Durham School. The shelters are located on the north-western edge of the pitch and sit partially outside of the existing fence, at the top of the bank sloping down to Clay Lane to the north, a public right of way which runs parallel to the site.

4. The shelters are constructed of timber and measure approximately 3.1m in width by 2.4m in depth with a maximum overall height of 2.6m. The structures have a mono-pitch design and are enclosed on three sides with the front elevation, facing the pitch, being open. The shelters are approximately 6m apart and sited parallel to one another.
5. The application is referred to the Committee at the request of local member Councillor Liz Brown on grounds of visual impacts and loss of residential amenity, in breach of Saved Policy E22 and H13.

PLANNING HISTORY

6. 4/02/00573/FPA Construction of all-weather sports pitch including earthworks, fencing, and woodland planting. Approved 23.10.2002.
7. DM/18/03745/FPA Demolition of existing cricket pavilion and construction of new multi-use sports pavilion including installation of new scoreboard. Approved 28.03.2019.

PLANNING POLICY

National Policy:

8. 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 most 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.
9. 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:
10. *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.
11. *NPPF Part 15 (Conserving and Enhancing the Natural Environment)* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
12. *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.

Local Plan Policy:

City of Durham Local Plan

13. Policy E3 (World Heritage Site – Protection) seeks to protect Durham Cathedral and Castle World Heritage Site by restricting development to safeguard local and long-distance views to and from the cathedral, castle and peninsula; and applying policies relating to conservation areas and listed buildings.
14. E5A (Open Spaces within Settlement Boundaries) states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlement's character or to the small scale character of an area, will not be permitted.
15. Policy E6 (Durham City Conservation Area) sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
16. Policy E14 (Protection of Existing Trees and Hedgerows) advises that development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.
17. Policy E22 (Conservation Areas) sets out that the authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposal should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing architectural features
18. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by not permitting development which detracts from the setting of a listed building.
19. 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.
20. Policy C8 (Provision of New Community Facilities) Planning permission will be granted for the provision of new community facilities (e.g. community centres, youth centres, village halls, libraries, post offices, public houses and places of worship) or for extensions to existing facilities.

Relevant Emerging Policy:

The County Durham Plan

21. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received

during this consultation period will be sent to the Inspector to inform his final report. 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

Durham City Neighbourhood Plan

22. 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.
23. Following consultation with the community at 'Pre-Submission Draft' stage, the submission draft of the Durham City Neighbourhood Plan (DCNP) was approved by an Inspector on 17th July 2020, who considered that the plan satisfied the Basic Conditions and that, subject to some recommended modifications, the plan should proceed to referendum. Therefore, weight can start to be attributed to the plan, although where the Inspector has recommended changes to policies less weight should be given.
24. Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions) - All development proposals must, where relevant, demonstrate the following principles:
 1. Promotion of economic well-being
 2. Conservation, preservation and enhancement of Our Neighbourhood
 3. The responsible use of resources and increase in resilience to climate change
 4. Securing equity and benefit to the local community
25. Policy H1 (Protection and Enhancement of the World Heritage Site) - Development proposals within the Durham Cathedral and Castle World Heritage Site are required to sustain, conserve, and enhance its Outstanding Universal Value and to support the current adopted management plan.
26. Policy H2 (The Conservation Areas) – Durham City Conservation Area - Development proposals within or affecting the setting of the Durham City Conservation Area should sustain and enhance its special interest and significance as identified within the Conservation Area Appraisals.
27. Policy G2 (Designation of Local Green Spaces) - Certain Areas are designated as Local Green Space where inappropriate development should not be approved except in very special circumstances.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Responses:

28. The City of Durham Parish Council – objects on the grounds that the structures are 2.5m high and clearly visible from Clay Lane and residential properties in Archery Rise. The structures are visible from Clay Lane which is an important pedestrian route and attractive green area of biodiversity. The PC regard Clay Lane as a non-

designated Heritage Asset and the development is considered to have an unacceptable adverse impact upon the views from important sites within the Conservation Area. The proposals are therefore considered contrary to Paragraphs 197 and 127 of the NPPF and Policy E22 of the Local Plan. It is also not considered that a sufficient level of detail has been submitted to assess the impact of the development on the Conservation Area contrary to section 4 of Policy E22. It was also noted that there was no heritage statement submitted with the application and it is not considered that the description of the structures as 'dugouts' is accurate. Based on the above, the PC therefore conclude that the application should be refused, and the structures re-positioned.

Internal Consultee Responses:

29. Design and Conservation – The proposal would have a neutral visual impact.
30. Tree Officer – No objection on the retrospective application, these do not conflict with any tree cover surrounding the site.

Public Responses:

31. The application has been advertised by means of site notice, press notice and by individual notification letters sent to neighbouring residents. To date, five letters of objection have been received including from Councillor Liz Brown.
32. The main concerns are summarised as follows:

- The structures cannot be considered low at 2.5m high
- The structures show above the skyline at the top of the bank, within the conservation area, and opposite properties in Archery Rise.
- The shelters are not typical 'dugouts' and therefore the description is not considered to be accurate.
- The two structures could be re-located at the opposite side of the pitches and serve an equal purpose with no noticeable intrusion into the landscape.
- They are visible from both Clay Lane and from the rear of the properties in Archery Rise.
- Clay Lane is regarded as a non-designated Heritage Asset and the application adversely impacts upon this area.
- Clay Lane is a key part of one of Durham City's green corridors and used as a primary walking and scenic recreational route.
- It is not considered that the structures will be hidden, even in high summer with full leaf cover.
- The original planning application relating to this pitch promised to retain an open aspect between the playing field next to the woodland and green space.
- The shelters dominate at 10 metres higher than the nearby site boundary.
- The shelters have been located within the landscape at one of the most visually intrusive locations.
- Clay Lane has been included within the current draft Durham City Neighbourhood Plan as part of an important Local Green Space.
- No Heritage Statement has been included with this retrospective application.
- The development breaches Saved Policy E22 parts 1, 3 and part 4.
- It has resulted in the loss of residents' amenity in breach of Saved Policy H13.
- The adverse impacts of the development are considered to "significantly and demonstrably outweigh the benefits" contrary to NPPF Paragraph 11b ii).
- The structures have resulted in an unacceptable adverse impact on the views from important sites within the Conservation Area.

33. Following submission of a Heritage Statement an additional consultation was carried out and one further letter was received which raised the following additional concerns:

- The objections to these twin developments do not relate to views of the World Heritage Site, but to the intrusion into the “Green Open Space”.
- The structures are out of character with the surrounding natural woodland and particularly from October until April, dominate the skyline, in what is otherwise a “green corridor” into the City Centre.
- The two shelters have been erected within a few metres of each other, consequently their presence on the skyline and dominance are compounded and substantially multiplied.

Applicant’s Statement:

34. Our first choice of location for the dug-outs was originally on the other side of the pitch however when the artificial turf pitch was built, a considerable amount of drainage was built into the far bank and our School Estates Manager did not feel it appropriate to disturb this, as it would result in drainage and possibly flooding problems on the pitch. Also, to house the dug outs on the other side required ground works to be carried out with a large amount of digging out, whereas the current location has required no ground works so the habitats present have been preserved and it has caused no damage to the environment. The dug-outs cannot be housed at the end of the pitch as this is a danger area in terms of the sports being played.

35. The dug-outs are located fully on the land owned by the School and this was checked previously to building them. As they are a temporary structure, we can lift them and put them on wheels or sliders so they can be moved forwards and backwards if needed.

36. We have developed the need for dug-outs on the pitch as we have been working in partnership with Durham City Hockey Club, Durham City Rugby Club, Brandon United Football Club and Durham City Cricket Club. They all use our artificial turf pitch for their Junior sections, especially the activities and coaching they deliver for the 5 to 12 age group and as a charity we feel it important to support our local sports clubs enabling these young children to learn their sport. Senior teams from Durham City Hockey Club also play matches at weekends on this pitch. Local based Durham Coaching business, One-Hockey also use the pitch and once sport started to re-open in June, this business had a lifeline to start and deliver coaching once again, as local authority and the University pitches have not yet re-opened.

37. The dug-outs have proved essential for both the operation of these clubs and our own sport at Durham School as we need to provide a safe and effective shelter for a number of young people. A whole team can fit in. We are fully committed to safeguarding and the welfare of the children who use our facilities and it is only right that they are offered shelter in inclement weather and a safe, dry place to store their bags and to sit if they are not playing at the time.

38. The dug-outs have been built by volunteers of the School including several hockey playing pupils. The cost of the wood used was paid for by the Friends of the School, Committee. Very careful consideration was placed into the design and use of materials of the dug-outs well before they were built. Durham School is working very hard to become a Greener School in line with Durham County’s commitment to reduce the carbon footprint and emissions within Durham City and within our whole School community. By building the dug-outs using natural wood and minimising the

impact on the environment we feel we are contributing to the wider aim of the County. Durham City Hockey Club who also play at Maiden Castle advised us that the wooden dug-outs on the University pitches were excellent and were perfect for use by junior and senior players. We have tried to replicate their design but not as large.

39. We sincerely hope that we will be able to retain our dug-outs as they really help all our users of the pitch to have a better and safer experience using the pitch. If you require any further information or would like to visit the pitch and dug-outs, please let me know.

40. I did consult all the planning documents on the Durham County Council website and as our dug-outs are a temporary structure I did think that planning was not required. I offer my full apologies for this oversight; I am a PE Teacher looking after our Hockey and liaisons with community clubs not our Estates Manager or anyone with experience of planning matters. I have been tasked with this development purely from a sport point of view.

PLANNING CONSIDERATIONS AND ASSESSMENT

41. 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. It is considered that the main planning issues in this instance relate to the principle of development, impact on the visual amenity of the area including: setting of the historic buildings forming the school, the surrounding conservation area and the wider landscape setting of the WHS; residential amenity and trees.

Principle of Development

42. The City of Durham Local Plan remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. 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. However, the NPPF advises at Paragraph 213 that weight to be afforded existing Local Plan policies depends upon their degree of consistency with the NPPF.

43. The school is a well-established educational centre of local importance and as such policy C8 of the City of Durham Local Plan is considered to be relevant in this case. This states that planning permission will be granted for the provision of new or extended community facilities where these are well related to residential areas and local facilities, are of flexible design which could serve more than one use, would not affect the amenity of nearby or adjacent land or property, allows access by people with disabilities, does not create or contribute to traffic hazard and is accessible to users of all modes of travel including public transport, cycling and walking.

44. Similarly, paragraph 92 of the NPPF states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues,

open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Policy C8 of the Local Plan is therefore considered to be in compliance with the NPPF, and paragraph 11 of the NPPF is not engaged.

45. The development is considered to improve and extend the existing facilities on this site and are used by the school and wider community in conjunction with the existing sports pitch. As such, the proposals are considered to accord with the aims of paragraph 92 of the NPPF and Policy C8 of the Local Plan. The principle of development is therefore considered to be acceptable in this regard.

Visual Impact of the Development

46. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. In particular, sections 66 and 72 require the local planning authority to have special regard to the desirability of preserving listed buildings or its setting, or any features of special architectural or historic interest which it possesses, and with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
47. In line with the legislative background, Part 16 of the NPPF relates to conserving and enhancing the historic environment is of direct relevance to this proposal and 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 asset's conservation. Part 12 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
48. At a local level Policy E3, E6, E22 and E23 of the City of Durham Local Plan are also considered to be relevant. Policy E3 seeks to protect the Cathedral and Castle World Heritage Site and Policy E23 seeks to safeguard listed buildings and their settings. Policy E6 and E22 seek to preserve and enhance the character, appearance and setting of the Conservation Area by ensuring development is of high-quality design which is sensitive in terms of siting, scale, design and materials.
49. The Council's Design and Conservation team were consulted on the proposals and raised no objection to the retrospective application from a heritage or design perspective. They suggest that the shelters are simple small scaled structures made from timber to reflect their natural wooded surrounding which relate to the well-established sports facility, allow the sports pitch to be more usable and constitute easily reversible development.
50. Design and Conservation suggest that the artificial sports pitch sits quietly within a cut-back in the landscape where they note that its surroundings have re-generated well. In this location the effects of geography, intervening tree coverage and vegetation means that the sports pitch has an overall neutral visual impact in the context of the setting of the historic buildings forming the school, the surrounding conservation area and the wider landscape setting of the WHS. They conclude that the same factors negate the visual impact of the shelters that have been installed.
51. The structures erected are not clearly visible along much of the public footpath, Clay Lane, in both directions, due to the intervening geography and tree coverage. They are slightly more visible from the area around the steps on the west side of the lane, that provide pedestrian access into Archery Rise, due to a gap in the tree/vegetation coverage. However, although they sit on the upper edge of the embankment and break

the ridge line, this is not a key skyline position in the conservation area. In views along the lane they do not draw significant attention and are not so visually prominent and do not stand out as being particularly unsightly or incongruous in their natural surroundings. There are no longer distance views of the structures, other than from within the school grounds, or from other public vantage points.

52. They do not appear too excessive in scale/size and are of low mass, constructed from vertically boarded timber with a natural unfinish treatment that makes them more visually recessive. The view in which they feature is not a key view in terms of the conservation areas special architectural or historic interest and is not identified as such in the Councils appraisal. The structures sitting within a steeply rising area of unmanaged woodland, seen amongst the trees and vegetation that drops down to footpath level, the visual impact would be reduced even further in the summer months. The appraisal only acknowledges the view down Clay Lane from Observatory Hill as being unfolding and interesting, this has not been harmed by the development's presence.
53. The open green spaces in this part of the city contribute positively to the character and appearance of the conservation area, the scenic rural character in stark contrast with the dense urban townscape. The key spaces in this respect are Observatory Hill and the fields in the south, Bellasis and the flat open Durham School playing fields. By virtue of the developments location it has not intruded or visually harmed the openness or the visual amenity qualities of these important open green spaces.
54. Clay Lane may have historical interest as a pilgrimage route, and such routes are part of the outstanding universal values attributed to the WHS. Clay Lane is shown on historic map regression c.1856-60, so will pre date this time period, and is an important historic routeway forming part of a series of connectional paths and roads between the WHS, Darlington Road and beyond. However, by virtue of the structures location they do not harm the accessibility or permeability of the route. They do not affect its plan form or legibility, harm its rural character or its intangible qualities i.e. sense of seclusion, quietness and natural "wilderness" quality.
55. Based on the above, the Design and Conservation section consider that the minor visual impact of the structures from one specific point is not harmful and does not devalue the historic interest of, the distinctive character or experience within, or the setting of Clay Lane, and that they cause no adverse harm to the special character and appearance of the surrounding conservation area. However, they do suggest that there appears to be an opportunity to eliminate the objectors concerns by relocating the two structure somewhere else around the sports pitch.
56. The developments presence on the ridge line does not block or intrude in any public views towards Durham WHS and it does not impact upon its outstanding universal value of the visual drama of the Cathedral and Castle on the peninsula.
57. The development does not feature within any public view that draws in any listed building within the Durham School complex and does not affect the visual appreciation or experience of any listed heritage assets. The impact on setting being neutral.
58. Based on the above, it is therefore considered that the development does not cause any adverse visual harm to the setting of nearby heritage assets, the surrounding conservation area or setting of the WHS. Accordingly, it is considered to comply with the principles of Section 16 of the NPPF and Policy E3, E6, E22 and E23 of the Local Plan. In relation to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is considered overall to have a neutral impact on the Conservation Area.

Residential amenity

59. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
60. To the north west of the application site are residential dwellings located within Archery Rise. The structures are located approximately 16m from the rear boundaries with nos. 74 and 76 Archery Rise and the dwellings themselves are sited in excess of 25m away from the development. Clay Lane and a wooded area, comprising of mature trees and vegetation, lies between the two.
61. Concerns have been raised regarding the visibility of the structures from the rear of those properties and their position on a higher ground level, due to the topography of land. Glimpses of the structures can be seen from Clay Lane; however, the intervening mature trees are considered to screen the development. It is acknowledged that leaf cover will be reduced in the winter months, but it is not considered that this would result in any significant additional impact.
62. The structures are also constructed of timber with a natural unfinish treatment which makes them more visually recessive and helps them to harmonise with the surrounding trees and setting, and therefore further reduce their visual prominence from Clay Lane and the properties in Archery Rise.
63. As such, given the separation distances to the neighbouring dwellings, together with the intervening public footpath and mature trees, it is not considered that the development will have a significant adverse impact on residential amenity that would warrant refusal of the application in this instance. As such, the development is considered to accord with Policy H13 of the City of Durham Local Plan.

Tree/Ecology Issues

64. Policy E14 relates to the protection of existing trees. There are mature trees located to the north of the application site on the bank sloping downwards to Clay Lane and are protected given their siting within the conservation area.
65. The Council's Landscape section were consulted on the proposals and raised no objection to the development, advising that the structures do not conflict with any tree cover surrounding the site.
66. The development is, therefore, considered acceptable in respect of the impact on existing trees within the vicinity of the site in accordance with Policy E14 of the City of Durham Local Plan.

Other Issues

67. One letter of objection noted that Clay Lane had been included within the current draft Durham City Neighbourhood Plan as part of an important Local Green Space which is set out in Policy G2. Although the draft plan was approved by the Inspector on 17th July 2020, in light of the Inspector's comments and recommended modifications, less weight can be afforded to Policy G2. Nonetheless, due to the scale and siting of the shelters, on the edge of the sports pitch against the backdrop of mature trees, the development is not considered to be inappropriate development or to have a harmful impact on Clay Lane.

68. The Parish Council consider that the application is limited in detail and retrospective therefore contrary to Section 4 of Policy E22. Concern was initially raised as no heritage statement was submitted with the application which is required to assess the impacts of the development on the designated and non-designated heritage assets. A Heritage Statement was subsequently submitted, and re-consultation was carried out, which is considered to address this concern.

69. The Parish Council also note that early engagement between the applicant, local planning authority and local community is important for proposals and is recommended at paragraph 39 of the NPPF, however, noted that this has not been carried out. While pre-application advice is available, should applicants wish to engage in this process, it is not mandatory.

CONCLUSION

70. The development is not considered to cause any adverse harm to the historic character and appearance of the setting of nearby heritage assets, the surrounding conservation area or setting of the WHS. The development is also not considered to result in any significant adverse impacts on residential amenity.

71. Accordingly, the development is considered to comply with the principles of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy E3, E6, E14, E22, E23 and H13 of the Local Plan.

72. The objections and concerns raised have been considered and addressed within the report. On balance, the concerns raised are not considered to be of sufficient weight to justify refusal of this application in this instance.

RECOMMENDATION

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

1. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

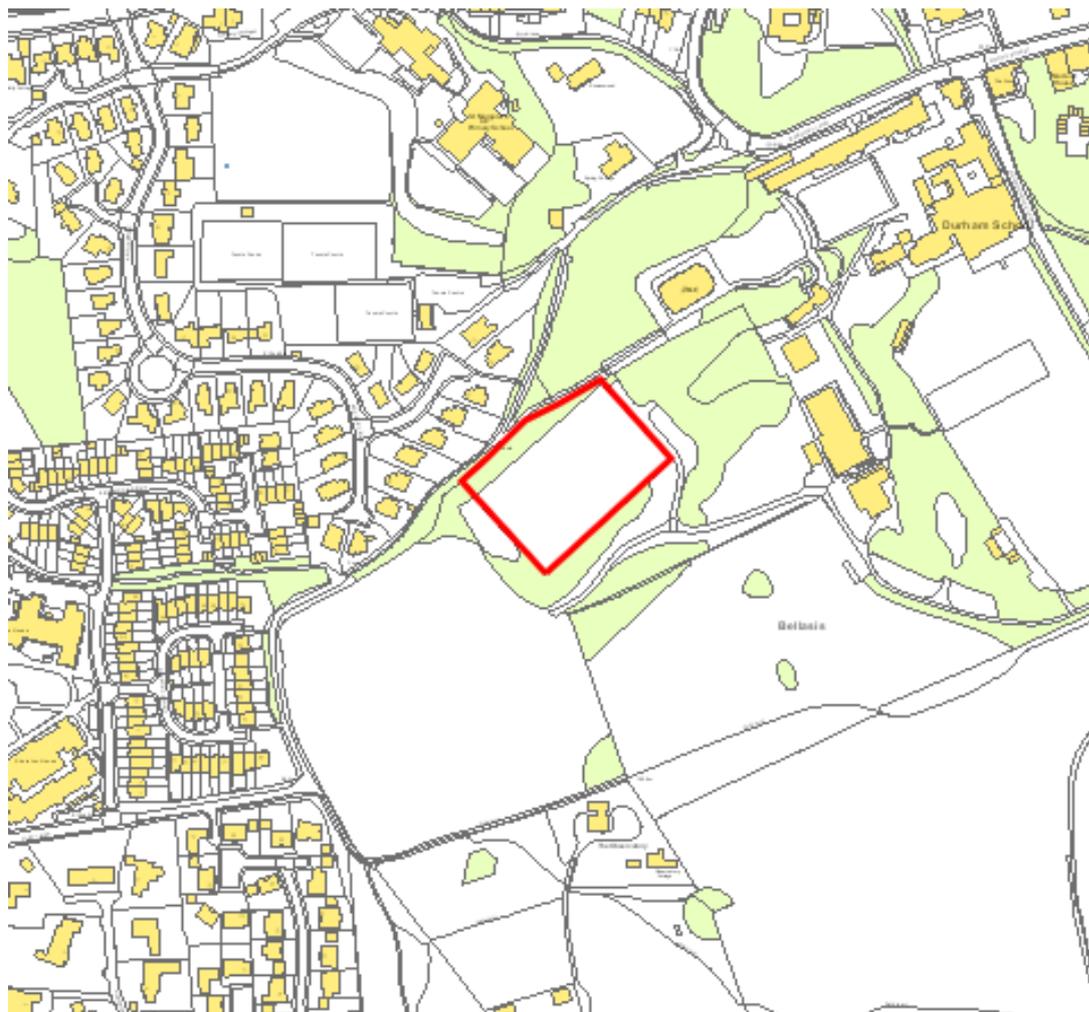
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy E3, E6, E21 and H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant
 The National Planning Policy Framework (2018)
 National Planning Practice Guidance Notes
 City of Durham Local Plan
 Statutory, internal and public consultation responses



Planning Services

Proposed retention of 2 no. timber dugouts (shelters) erected to the north west of the existing artificial turf pitch at Durham School, Quarryheads Lane, Durham, DH1 4SZ.

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Comments

Date. 08 September 2020

Scale 1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/20/01518/FPA
FULL APPLICATION DESCRIPTION: Erection of detached garage to rear
NAME OF APPLICANT: Mr T Dyke
90 Ashbourne Drive
ADDRESS: Coxhoe
Durham
DH6 4SP
ELECTORAL DIVISION: Coxhoe
CASE OFFICER: Michelle Hurton
michelle.hurton@durham.gov.uk
03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a residential property located in Ashbourne Drive with the rear garden area backing onto the rear lane of Victoria Terrace, Coxhoe. To the rear of the site is an adopted highway (School Avenue) which is accessed from Cornforth Lane which is the adopted highway to the front of Victoria Terrace.
2. The rear adopted highway ends outside of the application site and number 91 Ashbourne Drive with a turning head being located directly outside the rear garden curtilage.

The Proposals

3. Planning consent is sought for the erection of a detached garage to the rear of the existing dwellinghouse which is to be located within the garden with access onto School Avenue. The access does not form part of this application as the road is not a classified road and therefore planning permission is not required to create an access and dropped kerb.
4. The application is brought before members as it has been reported to planning committee by Councillor Dunn who is the ward Councillor for the Coxhoe ward due to the detrimental effect that this could have on residential amenity and parking issues

PLANNING HISTORY

5. There is no planning history for this site.

PLANNING POLICY

NATIONAL POLICY:

National Planning Policy Framework

6. 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.
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 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.
9. 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.
10. 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.
11. NPPF Part 12 - Achieving well-designed places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

12. 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:

City of Durham Local Plan 2004

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

EMERGING POLICY:

18. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. 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. Although the CDP is now at an advanced stage of preparation, it is considered that it

should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

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://content.durham.gov.uk/PDFRepository/cityofdurham.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. Parish Council – objects to application due to receiving representations from residents who are strongly opposed to the application. Concerns are raised regarding traffic, highway safety and parking problems in the area. Concerns are raised regarding the creation of the access onto School Avenue setting a precedence for others in Ashbourne Drive to do the same.
20. Comments have been made with regards to the planning permission for the residential estate reference number FPA/P/4/95/0713 which had conditions attached relating to no access to be permitted from Cornforth Lane except for emergency vehicles.
21. The Parish Council have also pointed out that a planning application was refused for a house within the rear garden of a property on Cornforth Lane due to adverse impacts on residential and visual amenity and in their view the amenity of local residents will be affected by this application.

INTERNAL CONSULTEE RESPONSES:

22. Highways Section – No objection

PUBLIC RESPONSES:

23. The application was advertised by means of letter to 8 neighbouring properties within the area. 1 letter of support and 11 letters of objection have been received from 7 different neighbouring properties. The letters of objection are in relation to:
 - The creation of the access, no objection to the garage
 - The road is only single width with properties along Victoria Terrace and School Avenue having dropped kerbs for owners to access garages and parking areas, the road is for properties along Victoria Terrace and School Avenue only
 - The application site has its own parking provision to the front of the house
 - The road is not wide enough to have accesses on both sides of the road
 - The access would cause problems with access for residents of Victoria Terrace
 - The access would be outside of someone else's property
 - Cornforth Lane is on a bus route and due to the primary school there is a lot of traffic.
 - Sets a precedent for other properties along Ashbourne Drive to create accesses onto the road
 - Children of residents of Victoria Terrace play on the road due to it being quiet, this would increase risk to those children
 - The access would increase traffic from Cornforth Lane
 - Were advised that the back lane was not a Council adopted road but the responsibility of residents along Victoria Terrace
 - The garage would be for business use
 - Unhappy that all residents within Victoria Terrace were not consulted

APPLICANTS STATEMENT:

24. **The Development.** The applicant proposes a pitched roof sectional garage at the rear of the dwelling. The garage measures 6 metres long, 3.5 metres wide and 3.15 metres high (2.5 metres to eaves). The garage will have brick cladding and a pantile roof to match the materials used in the existing dwelling. The garage is required as this dwelling does not currently have a garage and there is no opportunity to provide one either at the front of the dwelling as this would adversely affect the streetscene. There is no land to the side of the dwelling to provide a garage. The applicant requires a garage in order to store his private vehicle in a safe and secure location. This is in order to protect the applicant from potential personal theft. The garaged is only proposed for purposes incidental to the enjoyment of the dwelling house and no commercial purposes whatsoever.
25. Planning permission is required for the building. Providing a vehicular access to the unclassified, adopted road would not normally require planning permission and the County Council's Highways Development Manager, has confirmed that members of the public have rights to use the road from which access is to be taken.
26. **Why permission should be granted.** National Planning Policy sets a presumption in favour of sustainable development. The County Durham Plan has only recently ended its consultation on its Modifications Document. Planning applications of a domestic nature are considered under the saved policies of the City of Durham Local Plan. Policies Q9 and T1 are considered relevant.
27. **Design and Impact.** The proposed development will replace an existing timber outhouse of similar dimensions other than length. Materials are chosen to reflect the appearance of the materials of the existing dwelling. The proposal, which has a pitched roof, is appropriately designed and will not be visually intrusive to the streetscene. It will not be detrimental to the amenities of either adjacent or adjoining residents by way of visual intrusion or loss of privacy. It is considered that the proposal accords with Policy Q9.
28. **Highway Safety.** The County Council's Highways Development Manager has not objected to the development on highway safety grounds. He has, however, made it quite clear that the applicant has a right to use the adopted highway. The County Council Highways section has advised the applicant separately that the applicant can be provided with a dropped kerb to access the garage. The garage is for the purpose of the safe and secure housing of a single private vehicle and traffic movements to the site will be very limited. There is sufficient manoeuvring space to safely access and egress from the garage, particularly as the site is adjacent to the turning head. The intention of the garage is to park a vehicle inside the building for safe storage and not to use the existing highway for car parking. The proposal will not have a significant impact on the amenities of residents in the vicinity.
29. The applicant understands the concerns of residents associated with the problems of traffic on Cornforth Lane. However, the proposal is for a single domestic garage, no more. It's impact of such problems will be insignificant and not lead to any serious detrimental impact on highway safety. The application ought to be determined on its own merits, not whether it sets a precedent or not. However, even if precedent was to be considered this is the only dwelling on this stretch of the adoptable road which does not have a garage, and which cannot be provided elsewhere. Even if a precedent was an appropriate consideration, there are just a handful of dwellings who could decide to provide a garage to the road in question. The total impact of that unlikely occurrence would still not be seriously detrimental to highway safety. The

applicant would submit that the development will not create conditions prejudicial to road safety or significant impact on the amenities of adjacent dwellings. The applicant therefore takes the view that the proposal accords with Policy T1.

30. The applicants attention has been drawn to the existence of a planning condition on the original development. In the appellants view this condition was to prevent a principal access to the whole development and not an individual property adjoining an adopted highway. The Parish refer to a previous refusal of a house nearby. That proposal was not refused on highway grounds and the Highways Development Manager offered no objections.
31. The appellant submits that the proposals provide a safe and secure off-street parking for a private vehicle. The proposals accord with current planning policy and accordingly ought to be granted planning permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

32. 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.
33. The main considerations in regard to this application are the principle of the development, design, scale and layout, highway safety and residential amenity.

Principle of development

34. Planning permission is only required because the garage is over 2.5m in height. The applicant can erect a garage in the location proposed utilising permitted development rights had the garage been slightly lower in height. Therefore, this would be the applicant's fallback position if planning permission is not forthcoming.
35. The main theme of the NPPF is a presumption in favour of sustainable development. Part 1 the NPPF notes that planning should operate to encourage and not act as an impediment to sustainable growth.
36. The application site is located within the settlement boundary for the town of Coxhoe and is a semi-detached property located within a street where the properties appear to have some form of uniformity to the house types. The street comprises of two storey properties.
37. Policy Q9 of the City of Durham Local Plan provides support to alter or extend residential properties providing 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 respects the privacy of adjoining occupiers of the property.
38. Paragraph 11 of the NPPF states that 'plans and decisions should apply a presumption in favour of sustainable development'. In this instance Saved Policy Q9 is of relevance to the assessment of the application, and as this policy is not out of date, Paragraph 11 of the NPPF is not engaged in this case.
39. The proposal is considered acceptable in principle, being for additional space for a residential property. It is considered that the proposed development is in line with

both National and Local policies, subject to the consideration of the detailed issues below.

Design, Scale and layout

40. In respect of the design and layout of the development, the proposed garage will replace an existing detached shed which is currently located in place of where the garage is proposed to be sited. There are other detached garages within the vicinity of the site and it is considered that the proposed garage has been designed in such a way as to be subservient in scale and massing to the host dwelling but to also fit in with the character and appearance of the wider streetscene. In turn, the proposed materials would be similar in appearance to the host dwelling which is welcomed.
41. The Proposed garage has a floor area of 3.5m by 6m and is set back from the rear boundary by 1.95m to ensure it is set away from the curve of the turning head which is welcomed. The garage has a proposed height of 3.15m to the ridge and a height of 2.5m to the eaves. Therefore, the proposed garage will be slightly higher than the existing detached shed but of a size that is not uncommon for a detached garage.
42. Therefore in design terms it is considered that the proposed garage is in keeping with the host dwelling and would not detract from the appearance of the property or the wider streetscape in line with Policies H13 and Q9 of the City of Durham Local Plan.

Highway Safety

43. There have been numerous objections in relation to the creation of the access from the rear of the application site causing highway safety issues, risk to childrens safety, parking problems and increased traffic. The proposed access does not require planning permission and can be created without any consent from the Local Planning Authority. This is because the road that the access is from is not a classified road, the road is an unclassified adopted highway and any property whether along Ashbourne Drive, School Avenue or Victoria Terrace can create an access onto this road without requiring Planning Permission.
44. However, the proposed garage is not considered to have a detrimental impact upon of highway safety as the applicant can already use the road should he wish and the introduction of one additional car or van would not be sufficient enough to warrant refusal of the application.
45. In relation to the previous planning permission for the residential housing estate that the application is part of with regard to a planning condition requiring that there be no access from Cornforth Lane apart from Emergency Vehicles. This was in relation to the construction vehicles accessing the site and does not remain in perpetuity after the construction phase was completed. With regards to the access for Emergency Vehicles, this is located within the residential housing estate which is some distance away from the application site and therefore the proposed garage would have no impact on Emergency Vehicles accessing the residential housing estate.
46. The Highways Authority has been consulted as part of the application and the Principal Highways officer has stated that the road to the rear of Victoria Terrace is a publicly adopted road maintained by Durham County Council as Highway Authority. The objector of 5 Victoria Terrace has produced a title deed indicating ownership of

the land on which the highway sits. The objector believes their express permission is required for use of the road.

47. All highway sits on land which is, in general, not owned by the highway authority. The legal status of the highway in effect sits on top of the land ownership. It is not uncommon for title deeds to show ownership to be half width of the adopted road.
48. Whilst the objector believes their express permission is required for use of the road, this is not the legal position. When adopted, a road assumes highway rights for the public to pass and repass over it unhindered. The road is fully accessible for use by the public as an adopted road and permission to use the road is not required from any landowner. In any event, this would be a private law matter, not a planning consideration.
49. Accordingly, it is considered the proposed works are acceptable and would not have any adverse impacts upon highway safety. As such, it is considered the proposal is an acceptable form of development and accords with Policies T1 and T10 of the City of Durham Local Plan.

Residential Amenity

50. In respect of residential amenity, due to the nature of the development and location of the proposed garage it is considered that there would be minimal impact. As noted the garage is to be located within the rear garden of the property, only one window is proposed within the side elevation of the garage which will overlook the applicants garden area only, however it is only to provide natural light into the garage, and as such it is not considered that the garage would impact upon the amenities of neighbouring properties.
51. The proposals are not considered to significantly harm the living conditions of nearby residents in accordance with Policy Q9 of the City of Durham Local Plan.

CONCLUSION

52. It is considered that the proposed garage would not adversely impact upon the current levels of residential and visual amenity enjoyed at the site, nor would it have a detrimental impact upon highway safety enough to warrant refusal of the application.
53. The access onto School Avenue does not require planning permission given that it is not a classified road and the proposed garage can be erected under permitted development should the height be reduced to no more than 2.5m in height.
54. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the 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 Policy H13, T1, T10 and Q9 of the City of *Durham* Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- City of Durham Local Plan
- Planning Practice Guidance
- National Planning Policy Framework
- Consultation Responses
- Objection Letters



Planning Services

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Erection of detached garage to rear at 90 Ashbourne Drive, Coxhoe, Durham, DH6 4SP

Comments

Date. 08 September 2020 Scale 1:1250



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/20/01107/FPA
Full Application Description:	Resubmission of DM/20/00387/FPA for the erection of a single House in Multiple Occupation (Use Class C4)
Name of Applicant:	Mr Frank Stephenson
Address:	Land To The West Of The White House, Newcastle Road Crossgate Moor DH1 4HZ
Electoral Division:	City of Durham
Case Officer:	George Spurgeon (Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application site relates to land that forms the rear garden of the White House, Crossgate Moor, to the west of Durham City centre. The White House is a detached dormer bungalow that was granted planning permission in 2019 for a change of use to a C4 HMO. The White House is located behind Abbey Vets and is accessed from the A167 by a narrow unlit road along the northern side of the dwelling.
2. The area is an established residential area with mainly large detached houses to the south, and detached bungalows and a Sainsbury's Local supermarket to the north. To the west lies open countryside. The land level slopes down from the east towards the west.

Proposal:

3. The application seeks full planning permission for the erection of one detached dwelling that would be in use as a C4 HMO. The dwelling would consist of five bedrooms with associated en suites, a kitchen, lounge, utility, lobby and built in cycle storage area. Due to the sloping land levels the dwelling would appear as single storey when viewed from the east and two storey when viewed towards the west, with three dormer windows each serving a bedroom. The dwelling is proposed to be finished in a combination of buff brick and white render for the external walls and brown concrete tiles for the dual pitched roof.

4. The application is reported to the Planning Committee at the request of Councillor Brown on the grounds of residential amenity.

PLANNING HISTORY

DM/20/00387/FPA Erection of two Houses in Multiple Occupation (Use Class C4). Refused 23rd April 2020

DM/19/00195/FPA Change of use from a dwelling (Use Class C3) to a 5 bedroom house in multiple occupation (Use Class C4) with associated parking. Approved 19th March 2019

DM/16/02170/FPA Demolition of existing dormer bungalow and erection of one detached dwelling together with ancillary works. (Amended plan) Refused 29th September 2016 Appeal Dismissed 22nd March 2017

PLANNING POLICIES

National Policy

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
7. *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.
8. *NPPF Part 9 Promoting Sustainable Transport* – Planning policies and decisions should ensure appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
9. *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.

10. *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.

Local Plan Policy:

11. The following policies of the City of Durham Local Plan are considered relevant to the determination of this application.
12. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
13. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
14. Policy E24 (Ancient Monuments and Archaeological Remains) sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
15. Policy E25 - (Neville's Cross Battlefield) - seeks to protect the area of the battlefield that occurred in 1346 and is on Historic England's Register of Historic Battlefields.
16. Policy H10 (Backland and Tandem Development) sets out that such development will not be permitted unless a safe and satisfactory access is provided, the amenities of existing and prospective occupiers are not adversely affected and finally, that the development would be in keeping with surrounding development.
17. Policy H13 (Residential Areas - Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
18. Policy T1 (Traffic - General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
19. Policy T10 (Parking - 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.
20. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area in which it is located will be required to incorporate a high standard of landscaping.

21. Policy Q6 (Structural Landscaping) sets out that all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimize any adverse visual impact of the proposal.
22. Policy Q8 (Layout and Design - Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
23. Policy 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.

Emerging County Durham Plan:

The County Durham Plan

24. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

Emerging Durham City Neighbourhood Plan:

The Durham City Neighbourhood Plan

25. Following consultation with the community at 'Pre-Submission Draft' stage, the submission draft of the Durham City Neighbourhood Plan (DCNP) was approved by an Inspector in July 2020, who considered that the plan satisfied the Basic Conditions and that, subject to some recommended modifications, the plan should proceed to referendum. 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. The DCNP is now at an advanced stage of preparation that it is considered that it can be afforded

some weight in the decision-making process, dependent upon the unresolved objections to relevant policies.

26. The following policies of the City of Durham Neighbourhood Plan are considered relevant to the determination of this application:
27. Policy S1: Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions
28. Policy H3: Our Neighbourhood Outside the Conservation Areas- Development proposals within Our Neighbourhood outside the Conservation Areas should demonstrate an understanding of the area of the proposed development and its relationship to Our Neighbourhood as a whole.
29. Policy T1: Sustainable transport accessibility and design- Development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
30. Policy T2: Residential Car Parking- Development proposals incorporating or having an impact on car parking will be supported if they comply with specified conditions.
31. Policy T3: Residential Storage for Cycles and Mobility Aids- Residential development proposals for new build or change of use should provide storage facilities for cycles and mobility aids

CONSULTATION AND PUBLICITY RESPONSES

Consultee Responses:

32. HMO data- confirmed that the proportion of properties occupied by students within 100m of the application site, as defined by Council Tax data, is under 10%.
33. Highways-raise no objections as no additional parking is to be created to serve the proposed dwelling.
34. Landscaping- comments that the development is unlikely to impact the character of the landscape as seen from western public viewpoints but that a landscaping scheme is required to mitigate for any tree removals.
35. Trees- requests that further information is submitted for consideration.
36. Archaeology- comments that the site forms part of the designated Neville's Cross Historic Battleground and so recommends archaeological monitoring of all groundworks on the site and requests that two conditions be attached to any approval.
37. Environmental Health- no objections raised as the development would not cause a statutory nuisance.
38. Contaminated Land- requested that the Screening Assessment Form (Version 10.3) in Appendix 2 of the YALPAG Guidance 'Development on Land Affected by Contamination' and site photographs is completed and submitted for consideration. Upon receipt of this it was confirmed that no further survey work is necessary.

39. Northumbrian Water- raise no objections.

40. Police- no response received.

Public Responses:

41. The application was advertised by neighbour notification letter to the adjacent landowners and by way of a site notice.

42. 47 objections have been received, including from Councillor Scott, Councillor Brown, the City of Durham Parish Council, the City of Durham Trust, Neville's Cross Community Association and the Quarryhouse Lane Environmental Association. The following issues were raised:

- The city is unbalanced with students; there are 717 students in the immediate environment, 277 at Duresme Court, 30 at Ward Court, and 410 at Sheraton Park, and these are not fully occupied
- The three postcodes north of the railway cutting at Nevilles Cross and to the east of the A167 show (south to north) densities of 14.7%, 12.5% and 15.4%.
- Whatever the very narrow post code arguments are, taking a line from the Sainsbury's express store to the Duke of Wellington and about 100 metres either side there is now an overall average of over 11% Council tax exemptions recorded
- The development would encourage people to move away harming the local housing stock
- High concentration of students increases house prices making them unaffordable for residents
- Student properties are often poorly maintained
- Questions whether the proposal is actually for PBSA in which case a need for it would need to be demonstrated by the applicant
- The proposal is contrary to the Interim Policy
- The proposal is contrary to Policy 17 in the emerging County Durham Plan and Policy D3 of the City of Durham Neighbourhood Plan
- The house is designed for students and precludes being used by other groups
- The development is not necessary as there are already many students and accommodation for them in the area, and there are empty properties on Hawthorn Terrace within a mile of the site. Concerns over whether there is demand for more student accommodation
- COVID 19 may result in less HMOs being needed as more students choose to learn from a distance and online, including international students
- Management plans do not provide assurances that the tenants will behave acceptably; the applicant will not own the properties forever. New problems arise as new students move in. The Parish Council have received complaints that management plans are not followed and are not enforceable
- Bins are not returned and overflow, which adversely affects visual amenity and blocks the footpath
- There are not many amenities in the vicinity for students, and concerns over takeaways being introduced to the area
- Approval would set a disastrous precedent
- There are no provisions for disabled facilities
- The house could be burgled when the tenants are not there i.e. University holiday periods

- Concerns over what checks could be implemented to ensure any visitors to the new houses are genuine
- The proposal would lead to an increase in noise and disturbance due to an additional 5 students living on the site
- There would be a significant increase in cars / taxis / learner drivers / driving instructors, maintenance vans, delivery vans etc. likely to use the narrow access at possibly anti-social hours (especially in the case of taxis and takeaway deliveries), there would be an unacceptable loss of amenity
- A noisy party led to a police raid
- The communal garden area could be used to hold large parties
- Compliance with building regulations would not solve issues over noise as stated in the applicants Design and Access Statement
- Traffic generation at unsociable hours
- Fumes from cars
- The external door within north side elevation could lead to congregating and smoking close to the boundary with the garden of neighbouring property Langdale
- Light pollution as dark gardens will be lit up
- Loss of garden space for the occupants of the White House
- Security of houses when empty over university holiday periods
- The development would overshadow the rear garden of Langdale
- The development would restrict the outlook and sense of space from Langdale
- The bin storage area is adjacent to the boundary with Langdale and would generate odours, especially in summer
- The windows within the side elevation are not stated to be non-opening
- Outlook from the field to the west, belonging to the occupant of 9 Neville Dene, would be compromised as the houses would be 1m away from the boundary. Also, this land would be overlooked by the development.
- Loss of privacy for the occupants of the ground floor bedrooms of the White House, which do not have curtains
- Proximity of communal garden area to the ground floor bedrooms of the White House would cause noise and disturbances
- Any CCTV would compromise privacy of surrounding residents
- Applicant previously felled trees at 7am in the morning, concerned that construction work could take place at early and late hours
- There are few examples of backland development in the area
- The siting of the house behind the building line of Langdale and the White House is in conflict with the character of the area
- The area is characterised by properties with long rear gardens which this development would compromise
- A dwelling in this location would compromise the character of the green fields beyond
- The proposal constitutes overdevelopment as the site is relatively small and the White House itself a modest property. Another objector commented that a 5-bedroom detached dwelling, as proposed here, cannot be considered small
- Gives the example of application DM/16/02170/FPA which was refused because it was contrary to local plan policy H10
- The siting close to the northern boundary imbalances the site on a stretch of Newcastle Road where dwellings are located centrally in their land.
- The fencing shown on the plan is shown to overlap the ancient hedge between Langdale and The White House
- Commercial rental / student properties are out of character with the area

- Several mature trees have already been felled, the existing site plan still shows trees that have already been removed, and the hedge to the south side has been removed
- Beech hedge has not been properly maintained
- No mention of archaeological significance or safeguards
- Existing access into the site is dangerous
- Insufficient number of car parking spaces
- Questions whether the grassed area shown on the site plan will be used for parking and potentially hard surfaced or finished in grasscrete, 0.5m high fence around existing parking area is a trip hazard
- Lack of on-site parking spaces would result in other nearby car parking spaces being taken up or parking on street
- Lack of car parking spaces would not prevent visitors (family and friends) and deliveries, the proposal is in conflict with the Council's Parking and Accessibility Standards and is not within 800m of the large town centre bus station
- Increase in traffic along with the current traffic generated by the vets and the existing busy nature of the A167 would adversely affect highway safety and increase the risk of collisions
- Future occupants would park alongside the A167, obstructing the visibility of drivers and pedestrians. It is accepted that parking on the pavement is illegal and enforceable, but it is a burden on the community to report, and the overstretched police to enforce such situations. The onus should be on developers to "design out" the causation of the illegality, not on the community to waste time and resources to continually rectify an issue created by overdevelopment and bad design. Parking occurs on the pavement either side of the access road.
- Disputes that students have fewer cars than families. The information in the applicants Design and Access Statement is based on a national study
- The access lane is narrow, steep and not illuminated, questions whether this is sufficient for emergency vehicles and construction traffic, vehicles would be unable to turn around
- Pedestrian safety concerns over children walking to and from school
- Refuse vehicles would have to stop on the A67 to collect more bins, bins left on the footpath could be a traffic hazard
- Construction vehicles will struggle to enter the site
- There would be an increased number of trips at beginning and end of term times
- There are two study rooms on the first floor that could be used as additional bedrooms
- The houses should be built for families which are badly needed in the area; more affordable houses are needed
- The plan does not show the closest part of Langdale to the new dwelling, but instead takes the distance of 40m from the garage
- Lack of management control from the properties the applicant already owns
- The applicant was in breach a planning condition relating to the creation of the existing parking area (EN/19/00442)
- The area has not received investment for benches etc. since the large PBSA at Neville's Cross, whereas other places in the County such as Bowburn have
- Crossgate Moor is a high respected area with high taxpayers who don't want students
- Disagrees with the description of the application as a re-submission and questions why the Council accepted the application as an amendment
- Quarry House Lane residents not consulted. Objectors of the previous application were not directly notified of this application.
- Concerns raised by the community during the processing of the previous application have not been resolved.

Applicants Statement:

Current position

43. Arriving at the current proposal has taken almost 5 years much consultation and consideration. When I met with Highways in Autumn 2019 they said they would have no objection to me building two houses on this site based on the houses being HMOs with no cars. Planners have indicated support for one dwelling. I, together with the Architectural Consultant, Garry Hodgson and Planning Consultant, Darren Ridley have looked at all of the objections. We are empathetic and want to address concerns falling within planning guidelines.

Site density/residential amenity

44. The proposed dwelling is on a large, wide plot and given that it is almost 30 metres away 1 from the nearest corner of the neighbouring property Langdale (taken from topographical survey and OS maps) and over 21 metres away from the White House, I believe that one small HMO would work well. Taking on board comments from Planning and the Inspector from the earlier application for a large family home, this proposal is for a much smaller house, much further away from neighbours' properties and designed so that it does not overshadow in any way. Perhaps more important than the physical distance between the properties, our building has been carefully designed so the windows to habitable rooms face away from the neighbour's house. The house is considered well designed by DCC Planning department, using the natural slope of the land to make the property largely inconspicuous from the front elevation. It is further obscured by hedges, trees and fences which give great shelter. In addition, to go above and beyond these concerns, additional landscaping and hard boundary treatments can also be introduced if members deem this necessary. With regards to site density, the proposed dwelling will bring the total site density to around 12% versus an average site density of 23% for neighbouring properties. Braeside and Dunleigh House are 35% and 36% density respectively (taken from the average of Braeside, Dunleigh, Langdale, Glengarth and Long Orchard from OS maps)

Traffic and Highways

45. Since families tend to have more cars, the HMO route is deemed the best option. The proposed new dwelling is a non-car house. The site has ample parking and turning space (introduced as a condition of the change of use planning approval for The White House and providing an increase in provision of 178%) Previously, there were no restrictions on the number of cars parked on site and a former occupant has advised that there were up to 5 cars parked in the past when it was his parental home. Last year and up until July 2020 only one tenant had a car and we aren't aware of any tenants having any cars currently. Abbey Vets which is immediately in front of the White House, has 10 car parking bays and cars coming and going all day. By comparison, any traffic to and from the White House is and will be negligible. Highways have been engaged throughout the process and support this proposal, as do the DCC Planning department.

Students

46. While it may be let to students, the proposed house cannot be compared to large student halls of residence, since it is a small house on a relatively large site in its own grounds (The total site size is 0.464 acres taken from GH Architectural Services topographical survey data). Moreover, an HMO does not necessarily mean student accommodation but also applies to those houses let to a group of professionals. In the past we have rented out property to a group of junior doctors and a film crew. Since changing the White House to an HMO, neither I, nor the managing agent for the property have received any complaints whatsoever. The tenants have looked after the house very well. There is no reason to anticipate any change to the well-managed, law abiding people who would reside in the proposed house. Although I own a number of houses and the majority are for families, the HMOs owned are all highly rated, of a very high standard. Council officers can attest to this.

Bins

47. I have picked up on some concerns about bins being left out. To address this for the future, in addition to issuing even more robust guidelines to tenants and having a dedicated bin store (20.71 meters away from neighbouring Langdale, taken from topographical survey and OS maps) shielded by both a wooden enclosure and hedge, the Managing agent and gardener will be on alert. Since the house is passed daily to and from school and often on business, my family and I can act as additional safeguard to ensure the bins are put away if required.

Other points

48. I have agreed to all conditions put forward by the Council including on tree protection and archaeology.

Conclusion

49. There has been long and extensive consultation with DCC to reach this carefully considered proposal. The house's construction will support local business at a key time and also supports the need for more housing. It is a planned and natural evolution for this large and wide bordered site. This proposal has the support of both DCC Planning officers and DCC Highways. We hope that with the details and background provided, that members will give their assent to this fair and reasonable proposal.

PLANNING CONSIDERATION 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 the development, the impact on the character and appearance of the surrounding area, landscaping, highway safety and parking, residential amenity, archaeology and contaminated land.

Principle of Development

51. The application site is located within the settlement boundary of Durham City and forms part of the rear garden of the White House, which is itself located to the rear of Abbey Vets. The site is therefore located on backland to existing backland and Policy H10 of the City of Durham Local Plan (CDLP) is therefore relevant, which does not permit development on backland unless there is a safe and satisfactory access and adequate parking, the amenities of new and existing residents would not be adversely affected, and it is in keeping with the character, density and scale of surrounding development. This policy is considered to be compliant with the aims of the NPPF in seeking to restrict inappropriate development where it would cause harm to the local area, in terms of loss of amenity or negative impacts on character, and is of relevance to this proposal, as backland sites are defined by the supporting text of Policy H10 as those to the rear of existing houses, such as back gardens, with tandem development defined as consisting of one house to the rear of another sharing the same access.
52. The application proposes the erection of a single detached five-bedroom house in multiple occupation (HMO) within an existing residential area. Policy H13 of the Local Plan is therefore relevant and states that planning permission will not be granted for new development which would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them. The approach contained within this saved policy is considered consistent with the general aims of the NPPF which requires the planning system to protect the amenity of neighbouring residents from inappropriate development. These policies are therefore deemed up to date policies and can be attributed weight accordingly in determination of this application. Furthermore, Paragraph 11 of the NPPF is not engaged.
53. In addition to these policies, the Council's Interim Policy relating to student accommodation is also relevant and states that the Local Planning Authority will not support the provision of new HMOs in instances where there is in excess of 10% of properties within 100 metres of the site already in use as student accommodation. Whilst the Interim Policy has less weight than the saved policies of the Local Plan it is nevertheless a material planning consideration in the determination of this application.
54. The Council's HMO Data Section has advised that the most recent up to date Council Tax Information available at this time (April 2020) identifies that 5.9%, or 1 out of 17, of the properties within 100 metres of the site are currently occupied as student let accommodation. In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build HMOs will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as student accommodation exempt from Council Tax charges. The proportion of student properties within the 100 metre radius of the application site is below the 10% set out in the Interim Policy and so the proposal is not considered to imbalance the local community or harm the community cohesion of the area. The proposal is therefore in compliance with this part of the Interim Policy and, given that the proposal relates to a new build HMO rather than a conversion of an existing dwelling, is not considered to have an adverse impact on the variety of the local housing stock.
55. The Interim Policy also advises that, in all cases proposals will only be permitted where:

- a) The quantity of cycle and car parking provided is in line with the Council's adopted Parking and Accessibility Guidelines and:
- b) Acceptable arrangements for bin storage and other shared facilities are provided and other amenity issues considered; and
- c) The design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- d) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.

56. Furthermore, Policy T3 of the emerging Durham City Neighbourhood Plan (DCNP) seeks to support development only where a sufficient level of cycle parking is provided, in line with the Council's adopted Parking and Accessibility Standards. As discussed above, the Examiners Report for the DCNP has been received and recommended that the plan proceed to referendum. Therefore, the plan is at a sufficiently advanced stage where it can be afforded weight, although the weight to be attributed to specific policies should be less where there are unresolved objections to specific policies. In the case of Policy T3, the Inspector recommended some minor changes to the wording of the policy to ensure it meets the basic conditions. Accordingly, this policy can be attributed some weight in the determination of this application.

57. The Council's adopted Parking and Accessibility Standards sets out that for a 5 bed HMO two long stay cycle parking spaces should be provided. The new dwelling is proposed to provide a built-in cycle storage space, and this is considered sufficient to comply with the relevant standards, criterion a) of the Interim Policy and Policy T3 of the DCNP.

58. In terms of criterion b), an enclosed bin storage area has been included on the proposed site plan. The occupants of Langdale have raised concerns over its siting within close proximity to their boundary. If the application were to be approved, it would be necessary to impose a condition requiring additional details of the bin storage area in terms of height and materials. Given its suggested enclosed nature, its siting is not considered to result in significant odours adversely affecting the occupants of Langdale and so the application is not considered to warrant refusal on this point. A condition (number 4) is however recommended requiring further details of the bin enclosure prior to the occupation of the dwelling and subject to this it is considered that criterion b is met.

59. Other requirements will be considered in further detail in the relevant sections below.

Character and Appearance of the Surrounding Area

60. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work. Policy Q8 of the CDLP requires development to be appropriate in scale, form, density and materials to the character of its surroundings. In addition, Policy H13 does not permit development that would have a significant adverse impact on the character or appearance of residential areas. These policies are consistent with the aims and objectives of the NPPF.

61. Furthermore, Policy S1 of the DCNP seeks to support development where it harmonises with the context of the neighbourhood in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. In addition, Policy

H3 of the DCNP seeks to support development which: has a high quality design which contributes to the quality and character of the area; has a scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area; and uses materials and finishes appropriate to the context and setting of the area. The Inspector recommended some minor changes to the wording of Policy S1 and H3, but the overall aims of the policies remain and accordingly they can both be attributed some weight in the determination of this application.

62. The proposal is to erect one new detached dwelling within the rear garden of the White House. The dwelling itself has been designed to a good standard with the use of buff brick and white render to the external walls and brown concrete tiles to the dual pitched roof considered to be appropriate for the area. Due to the lower land levels to the west, the dwelling is proposed to be built into the landscape resulting in the dwelling being viewed as single storey from the east and two storeys from the west. Because of this, the dwelling is considered to be of an appropriate scale and density for its location. Although the dwelling could be glimpsed from Newcastle Road along the access road, it would not appear as visually obtrusive and would mostly be screened from public viewpoints from the east by the buildings in front of it.
63. Paragraph 70 of the NPPF advises that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, whilst Paragraph 122 advises that planning decisions should support development that makes efficient use of land, taking into account: d) 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change'.
64. In line with NPPF Paragraph 70, the City of Durham Local Plan has a policy on backland and tandem development, H10, of which the supporting text states, 'In most cases such sites are inappropriate for new houses due to poor access, inadequate standards of space or privacy, or because development would entail the loss of open or amenity areas. The residential character of certain areas consists of dwellings with large rear gardens and this must be protected from inappropriate development. Where backland development would be detrimental to this character, it will not be permitted.' With regards specifically to tandem development the supporting text of Policy H10 advises that, 'Such development will almost always be unsatisfactory because of disturbance and lack of privacy to the house at the front, as well as problems of access to the house at the rear. It can also be damaging to the character of an area.'
65. The application site is effectively backland to existing backland, on which the White House itself is sited on behind Abbey Vets. The White House has a similar building line to Langdale to the north, which benefits from a long front garden rather than being sited on backland itself, with the properties to the south being situated further forward with shorter front gardens. A characteristic of all the residential properties along this section of Newcastle Road is that they benefit from elongated rear gardens.
66. Paragraphs 70 and 122 of the NPPF seek to protect residential garden areas from development which would harm the character of the surrounding area, with Policy H10 of the CDLP specifying that dwellings with large gardens can form part of the areas character and that these must be protected. Application DM/20/00387/FPA for the erection of two detached dwellings in this location was refused earlier this year due to officers concerns that this would result in the loss of the distinctive elongated rear garden that typifies the properties along this section of Newcastle Road, adversely affecting the character and appearance of the area. However, this application relates to

the erection of one dwelling rather than two, so the potentially different impact of this proposal needs to be carefully considered.

67. Whilst elongated gardens are characteristic of the properties on this section of Newcastle Road, it should be noted that the rear garden of The White House is wider than that of the other properties but of a similar length. This can be seen as the width of the rear garden belonging to The White House is approximately 35 metres, with the rear garden belonging to Langdale to the north being approximately 18 metres wide; this width is more typical of the rear gardens belonging to the properties along this section of Newcastle Road. The result of this is that the erection of one dwelling sited to the north west corner of the rear garden of the White House would allow the retention of an approximate 40 metre long and 20 metre wide area of undeveloped garden space directly to its south, which would continue to be legible in its elongated form. Given the amount of undeveloped garden space that would remain after the proposal, it is not considered to constitute overdevelopment. This differs from the previous application in that the erection of two dwellings would have resulted in the complete loss of the legibility of the elongated garden that contributes to the character of the area.
68. A concern was raised from a neighbouring resident that the dwelling is not sited centrally on its land and that this would be at odds with the other properties on this stretch of Newcastle Road. However, this dwelling differs from the other properties referred to that front directly onto Newcastle Road, as the application site consists of backland to existing backland, and that the rear garden of the White House is wider than that of the other properties nearby.
69. Despite the application site consisting of backland to existing backland, the rear garden of The White House is wider than those of the other properties along this section of Newcastle Road and so whilst the erection of a single dwelling in this location would inevitably change the character of this site, its siting to the north west corner of the rear garden would result in a large part of the garden remaining undeveloped, allowing the distinctive elongated shape to continue to be legible after the development. This would avoid detrimentally affecting the character of the area. The proposed dwelling is considered to be of an appropriate scale, density, massing and materials, in accordance with Policy H10, H13 and Q8 of the CDLP and Policy S1 and H3 of the DCNP.

Landscaping

70. Paragraph 170 of the NPPF aims to recognise the intrinsic character and beauty of the countryside and the benefits of trees. Policy E14 of the CDLP requires development to retain important trees and hedgerows wherever possible and to replace those of value which are lost. Policy E15 also encourages tree and hedgerow planting. Policy Q8 requires development to take into account the need to retain existing features of interest within the site including trees and hedgerows. These policies are considered to be consistent with the aims and objectives of the NPPF.
71. Furthermore, Policy Q5 of the CDLP requires development that has an impact on the visual amenity on which it is located to incorporate a high standard of landscaping in its design, whilst Policy Q6 requires development located on the outer edge of settlements to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal. In addition, Policy S1 and H3 of the DCNP both

make reference to how landscaping can help to assimilate development into the setting and context of an area.

72. The site is located on the outer edge of the settlement boundary of Durham City, with the land to the west of the site and beyond being open countryside. The topographical information included on the site plan identifies a number of large trees contained within the rear garden area of the proposed dwelling. The crown of these are in very close proximity to the proposed dwelling, approximately 50 centre metres away, and there is hard surfacing shown within the crown spread.
73. The Landscaping Officer has commented that it is unlikely that the proposed dwelling would have any significant effect on the visual amenity value or character of the local landscape as seen from western public viewpoints, but that any tree removals would necessitate a mitigating landscape scheme. Having visited the site it was observed that most of the trees shown on the proposed site plan have already been removed, as they would have been in the way of the development. Whilst no consent would have been required to do this, as the trees are not covered by any Tree Preservation Orders and the site is not located within a conservation area, no Arboricultural Impact Assessment has been submitted to clarify which trees have been removed and the impact of this on the visual amenity of the area and the character of the landscape.
74. The Council's Arborist has commented that three trees are remaining to the rear of the garden, two of which are in poor condition with pathogens and cavities and are therefore not worthy of a Tree Preservation Order. However, one tree, an ash located within the hedge line, could be retained. This would not be in conflict with the proposed works as such but would need protecting along with the hedge throughout any proposed development. Due to the loss of trees and the action of the owner in felling mature trees, the Arborist has requested that a landscaping scheme be submitted showing the location and species of new trees to be planted if permission was to be granted.
75. It is considered that the development would be acceptable with the inclusion of two recommended pre-commencement conditions; number 5 to require a Tree Protection Plan to show the retention of the ash tree and the hedgerow along the boundary of the site along with details of measures to protect them for the duration of site works; and number 6 relating to a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority. With these conditions the proposal is not considered to conflict with Policy E14, E15, Q5, Q6 or Q8 of the CDLP and Policy S1 and H3 of the DCNP.

Highway Safety and Parking

76. Policy T1 states that permission should be refused for development which would generate traffic that would be detrimental to highway safety and/or have a significant effect on the amenity of the occupiers of neighbouring properties, whilst Policy T10 states that parking should be limited to promote sustainable transport. Furthermore, the Council's Interim Policy requires that new HMO's provide adequate parking and access. Policy H10 also requires development on backland to provide safe and satisfactory access. These policies are considered to be consistent with the aims and objectives of the NPPF.
77. Policy S1 of the DCNP also seeks to ensure the location and layout of the development maximise public transport, walking and cycling opportunities, and provide paving,

lighting and signs which meet all needs, including those of people with disabilities, older people, and children. The Inspector recommended some minor changes to the wording of Policy S1 but the overall aims of the policy remain and accordingly it can be attributed some weight in the determination of this application.

78. Policy T1 of the DCNP seeks to support development that is sustainable and accessible to all users through walking, cycling and public transport. The Inspector recommend some minor changes to the wording of this policy, but the overall aim is considered to remain the same. Accordingly, this policy can be afforded some weight in the determination of this application.
79. Policy T2 of the DCNP sets out under criterion g) that extensions to the Controlled Parking Zone (CPZ) in order to mitigate the effects of a proposed development will have the costs recovered via planning obligation and provides examples of some circumstances in which this would apply. However, the Inspector considered this policy to be too onerous and recommended some extensive changes to its wording. Therefore, at this time it is considered that there are substantial unresolved objections to this policy that greatly limit the amount of weight that can be attributed to it.
80. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
81. Highways Officers have previously raised concerns over the conflict between vehicles heading north on the A167 and turning right into St Monica Grove and vehicles heading south on the A167 and turning right into the driveway leading to the application site. The existing highway layout contains a significant risk of road traffic accidents due to head to head collisions. The introduction of a further dwelling would increase the risk of collisions if this resulted in an increase in number of vehicular movements. Neighbours have also raised concerns in relation to the footpath at the entrance of the access road to the site being regularly used by children walking to school.
82. Although students may tend to have fewer cars than a family, with typical car ownership for student occupants of HMOs being less than 20%, a C4 use is not restricted to students only and it would not be possible to condition this. Therefore, it could not be guaranteed that students would be living there. It is possible that any new dwellings would be let out to non-students, such as young professionals, who could live together and travel to work separately, which could result in more cars being used compared to an average family. As such, officers have requested that no new car parking spaces are provided with the proposed development in order to limit the number of new vehicular trips.
83. The submitted site/roof plan shows that no additional car parking space is to be provided for the new HMO dwelling. In effect this will result in occupants of the HMO dwelling being unable to park vehicles on site. A 0.5m high fence is proposed to be erected along the southern and western sides of the existing three car parking spaces numbered 2, 3 and 4 on the proposed site plan and this is considered to be sufficient to prevent the lawn from being used to park cars on. A condition (number 7) is recommended to require the applicant to install and retain this fence. Further to this, a condition (number 8) is recommended to remove the permitted development rights for the creation of additional areas of hardstanding to prevent new parking areas within the site being created and used in the future.

84. These measures are likely to significantly impact on car ownership for the dwelling and as such occupants are highly unlikely to be car users. It is acknowledged that there is a conflict between providing parking space in accordance with the County Council's parking standards and not providing parking space to attempt to limit trips to the site. The lack of identified provision does not comply with parking and accessibility standards. However, this position would need to be accepted if the development was to be approved. Because of this, the dwelling is not considered to be appropriate to be occupied by families and therefore it is also recommended that a condition (number 9) removing the permitted development rights for changes of use from C4 to C3 is imposed.
85. Although it could not be guaranteed that any future occupants would not own cars and bring them with them, the measures detailed above would help to dissuade them from bringing cars with them. A condition (number 15) is also recommended restricting the curtilage of the proposed dwelling from being used to park vehicles. As such, the amount of car parking sought by future occupants would be expected to be of a minimum level that would not significantly increase the amount of traffic in the area.
86. Objectors have commented that a lack of parking spaces for the future occupants would not prevent other visitors to the dwelling using the access road and thereby increasing the risk of collisions. There would be no change in the current amount of parking spaces at the site which would restrict the number of vehicular trips to the site from friends and family to no more than current levels. Whilst it is accepted that the Council would have no control over deliveries and taxis to the proposed dwelling, it is considered that the number of trips generated from these would be minimal and would not significantly increase the amount of traffic in the area.
87. Objectors have also raised concerns over vehicles parking on the A167. However, it is highly unlikely that any driver would park on the A167 given the volumes of traffic it presently carries. Officers were not aware of such an issue from any residential areas fronting the A167 at present and it could not be envisaged that this would be the case with this development. Notwithstanding that point, the Council could consider extending the A167 Clearway through highway authority powers using traffic regulation, which prohibits parking if that did become an issue.
88. One of the objectors then provided photographs of cars parked on the footpath nearby to the access road from the A167 to the application site, which clearly show existing vehicles at some point in time parking on the footway close to the access point. Parking on a footway in itself creates an obstruction offence and is therefore illegal and can be dealt with through Police enforcement. It is not known who is parking on the footway or the reason that has taken place, although it appears one of the vehicles is commercial and may be related to existing commercial activity in the area. In considering the new development it must be considered that the parking is illegal and that there are legal mechanisms for dealing with that existing problem of obstruction. There is no evidence to suggest residents parking illegally associated with the new development will take place. If such a situation occurs there is a legal remedy that could be invoked. Illegal obstruction of the footway by existing drivers is not considered to be a reason why the development should be opposed. In assessing the planning application, it must be assumed that occupiers will comply with the law.
89. One objector also commented that it is not possible to see if the car parking spaces are full when entering, which could lead to vehicles having to reverse out of the site access onto the A167. Officers disagree with this view as there is a vehicular turning area to

avoid this type of situation occurring. Highways Officers have also commented that the driveway is sufficiently wide to accommodate delivery and emergency vehicles.

90. Given that there is unlikely to be any additional private car movements to the development site over and above the existing levels, Highways Officers are satisfied that risk to road users at the access would be no greater than at present. The site is in a highly accessible location close to public transport links and within walking and cycling distance of amenities and facilities within Durham City. Whilst it would not provide parking in accordance with the Durham County Council parking and accessibility guidelines, Highways Officers are satisfied, given the limitation on parking and the accessibility of the site, that no significant highways impact will arise and therefore raise no objections to the proposal. Whilst the proposal is not fully in accordance with Policy H10 of the CDLP, it is considered that the development would not have an adverse impact on highway safety and so, in line with Paragraph 109 of the NPPF, the proposal does not warrant refusal on highways grounds.

Residential Amenity

91. Paragraph 127 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, Policy H10, H13 and Q8 all seek to avoid development that would have an adverse impact on the amenity of neighbouring residents. Furthermore, criterion b) of the Interim Policy requires 'other amenity issues' to be taken into account. In addition, Policy S1 of the DCNP seeks to secure a design and layout of development which is capable of reducing crime and/ or the fear of crime, as well as respecting privacy of, and visual impact on, occupiers of neighbouring properties. The application site consists of backland to existing backland and concerns have been raised by numerous neighbouring residents in relation to the proposal having an adverse impact on their amenity.

92. One of the main issues identified with backland developments relates to the level of disturbance caused to surrounding residents. This is particularly true where residents of existing houses would have enjoyed privacy to the rear of their properties but find this privacy and level of amenity eroded through the comings and goings of new occupiers.

93. During the processing of previous application DM/20/00387/FPA for two dwellings, officers raised concerns over the intensification of the use of the site through the addition of ten new occupants. This application instead proposes only one new dwelling, which would take the total number of occupants on the White House site from five to ten. Despite the reduction in the number of dwellings proposed, the introduction of a further five student residents would still increase the potential for noise and disturbance for neighbours, although to a lesser extent than if two dwellings were proposed.

94. Environmental Health have commented that the demographic that is expected to use this type of accommodation, HMOs, are those in full time education and are associated with greater use of the night-time economy. Environmental Health receive a number of complaints associated with loud music and noise in the street associated directly with HMOs of this nature, and from past experience these complaints may arise from immediate neighbours; however, they also arise from residents in the greater area; demonstrating the potential for cumulative area noise impact which is likely to increase the more properties of this nature in an area. No indication was given that noise

complaints have been received in relation to the White House. Furthermore, the use class applied for is residential in nature and therefore has limited significant noise sources associated with "reasonable use". As stated above, complaints relating to a statutory nuisance such as late-night parties etc are more likely to arise from the above class than expected from a single household dwelling, however these complaints tend to be for irregular events, and are associated with the actions of individuals, and therefore can arise in any demographic of accommodation.

95. Officers previously raised concerns in relation to noise and disturbance for neighbours particularly in terms of comings and goings at unsocial hours past the two existing properties either side of the access road, as well as a more intense use of the remaining garden space. This impact would be most keenly felt by the occupants of Langdale, as well as those of the White House itself. Only one dwelling is proposed in this application, instead of two, and so the level of potential noise generation has been reduced from the previous application.
96. The erection of the dwelling could mean up to five individuals living independently of each other without parental or guardian oversight. Whilst it may be possible that occupation of such student HMOs can be formed around friendship groups from courses, sporting activities and societies or outside employment, it would not be possible to guarantee that to be the case. Even if there was a likelihood of accommodation groups forming on that basis, it does not necessarily follow that they would act as homogenous groups at all times. Wider circles of friends and acquaintances are likely amongst up to four individuals outside a family-unit and so comings and goings and social gatherings would be likely to reflect such a dynamic. Therefore, the occupants could form five separate households each with their own individual social and friendship networks, thus increasing the amount of activity and potential adverse effects on the amenity of neighbouring residents. This view has been presented by officers and agreed with by inspectors at several recent appeal decisions.
97. However, planning applications must be judged on their own merits and this application differs from these recent appeal decisions as it relates to the erection of a detached dwelling rather than the conversion of an existing terraced dwelling. The proposed dwelling would be located approximately 28 metres away from the rear elevation of Langdale, the closest neighbouring property, and 27.5 metres from the rear elevation of the White House. Given this distance, although it is accepted that the development would generate more noise than the existing garden does in its undeveloped form, general noise and disturbance caused by future occupants when spending time within the new dwelling and that would be audible within the dwelling known as Langdale is expected to be limited. Noise would be more audible from the rear garden of Langdale, but again considering the distance the dwelling would be located away from this property, noise audible from the garden area closest to the rear elevation of Langdale, which is likely to be the area most commonly used, is not considered to be so great that it would adversely affect the amenity currently enjoyed by the occupants of this property.
98. The new dwelling benefits from a small lawn to the front, a small garden area to the rear and a larger garden area to the south that would be shared with the occupants of the White House, with these occupants also benefitting from a more private side garden to the south. All of these garden areas form one larger communal garden. As stated above, the residential use of the site would be intensified by the erection of a new dwelling. However, noise generated from future occupants when spending time within the garden areas, although greater than the existing situation in its undeveloped

form, is not considered to be of a level that could be sufficiently demonstrated would adversely affect the amenity of neighbouring residents to justify refusal of the application.

99. In relation to noise in terms of comings and goings, this application also differs from recent appeal decisions in that vehicular trips to and from the application site would be minimised by there being no newly proposed car parking provision to serve the new dwelling. The only car parking that would exist at the site is the current car parking that can be used by the occupants of the White House. This would limit noise generated from vehicular movements associated with the new dwelling. Although there is still the potential for deliveries and taxis to and from the site, this is expected to be minimal.

100. Furthermore, the proportion of student occupied properties within the local area (the 100 metre radius from the application site) is relatively low, with only one out of 17 properties currently being occupied by students. This is lower than has been the case in recent appeals that have been dismissed by Inspectors, with the proportion of student occupied properties being above 10% in all cases. Although it is accepted that the erection of a dwelling in this location would intensify the use of the site and result in additional noise being generated to an extent, the amount of noise generated and audible within the dwellings and their associated gardens is expected to be limited; to a level that would not adversely affect the amenity currently enjoyed by neighbouring residents, given the few student occupied properties within the local area as well as the distance away from the rear elevations of the closest neighbouring properties.

101. Whilst officers have noted some concerns over intensification of the use of the land, officers are satisfied that the proposed development would not result in an adverse effect on the living conditions of the neighbouring residents, in terms of noise generated from additional comings and goings.

102. The Councils adopted Residential Amenity Standards Supplementary Planning Document sets out the typically required separation distances that should exist between dwellings. A distance of 21m is required between the elevations of two storey buildings that contain habitable room windows and a distance of 18m when the buildings are bungalows. The White House is a bungalow with windows within the ground floor rear elevation serving bedrooms and a window within the roof space also serving a bedroom. The elevation of the proposed dwelling facing the rear of the White House features one habitable room window, serving a kitchen, with no habitable rooms within the roof space. There is a 27.5m distance between the east facing elevation of the proposed dwelling and the rear elevation of the White House. The proposed dwelling is situated on ground that is thought to be at least 1m lower than that of the White House, and taking this into account the proposed dwelling would still comply with the required separation distance. The proposed dwelling also complies with the relevant space standards and would provide a sufficient amount of outdoor garden space for the future occupants.

103. The dwelling is sited towards the end of the rear garden of the White House and as such would sit well behind the rear elevation of this dwelling, as well as the closest dwellings of Langdale to the north and Braeside and Fairway to the west, which themselves sit forward of the White House. Due to the distance of the proposed dwelling away from the rear elevations of the closest neighbouring properties and its siting on lower ground level, it is not considered to have an overbearing impact on any neighbouring resident. The occupants of Langdale objected on the grounds that their outlook and sense of space would be greatly restricted, but although the dwelling would

be visible, given the above it is not considered to prevent outlook being gained through the windows within the rear elevation nor have an overbearing impact.

104. As Langdale is located to the north of the application site there would be the potential for some overshadowing of the rear garden belonging to the property for a limited period around midday, however due to the relatively small scale and the siting of the proposed dwelling towards the end of the rear garden of the White House and away from the rear elevation, only the very end of the rear garden of Langdale would be affected and this is not considered to amount to a sufficiently detrimental impact to warrant the refusal of the application. Neighbours also raised concerns over light pollution, but the dwelling would only contain one habitable room window within the east facing elevation and given the relatively small size of this window it is not considered to cause light pollution that would harm the amenity of neighbouring residents. No external lighting is proposed.
105. It is acknowledged that the property has been located to ensure that privacy distances meet the required standards and a condition (number 10) is recommended to secure the inclusion of obscured glazed windows on the first-floor side elevations, serving the en suites of bedroom 3 and 5. Therefore, the proposal is not considered to allow direct overlooking into neighbouring gardens and properties.
106. An objection was received from Langdale in relation to the existing boundary hedge being threadbare, thus not providing a great level of privacy or security if a new dwelling with five occupants is to be erected. It was observed from a site visit that the hedge is threadbare in places. Paragraph 127 f) of the NPPF advises that planning decisions should aim to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Criterion d) of the Interim Policy requires that the security of the building and its occupants has been considered along with that of other local residents and Policy S1 of the DCNP also seeks to protect residents from development that could result in a fear of crime. A 1.8m high fence was erected along the section of hedging closest to the rear elevation of Langdale as part of application DM/19/00195/FPA to prevent light pollution from vehicle headlights. To ensure the privacy of and security for the occupants of Langdale it is recommended that a condition (number 11) be imposed requiring details of additional fencing to be erected along this shared boundary in order to provide a more secure permanent border, in line with criterion d) of the Interim Policy and Paragraph 127 f) of the NPPF. Although the entire length of hedgerow along the shared boundary is not threadbare, in the interests of the visual amenity of the site it may be necessary to erect a fence from the edge of the existing section of fencing to the end of the proposed dwelling to avoid isolated patchwork sections of fencing. The applicant has indicated his agreement to such a condition if considered necessary to make the development acceptable.
107. A condition (number 14) is also recommended to restrict the construction hours of the development in order to protect the amenity of neighbouring residents during the works.
108. With the recommended conditions, the proposed new dwelling is not considered to result in a loss of privacy or outlook, overshadowing, or have an overbearing impact on neighbouring residents. The new dwelling is also not considered to generate a significant increase in noise and disturbance that would detrimentally affect the amenity

of neighbouring residents. Therefore, the proposal is in accordance with Policy H10, H13 and Q8 of the CDLP.

Archaeology

109. The area of Neville's Cross takes its name from the battle which took place in 1346 between the English and Scottish. It is believed that there were in excess of 15,000 combatants with severe casualties recorded and so the potential for significant archaeological and human remains in the area is quite high. The proposed development area is where some of these remains may be located and so Officers have recommended archaeological monitoring of all groundworks on the site.
110. Archaeology Officers requested two conditions to be imposed if the application were to be approved: a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' prior to the commencement of works (number 12) and a post investigation assessment prior to the first occupation of the development (number 13). These conditions are recommended to ensure the proposed development complies with Policy E24 and E25 of the CDLP and Policy S1 of the DCNP.

Contaminated Land

111. Paragraph 178 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The County Environmental Health Officer has been consulted on the proposal and has confirmed the information provided in the screening assessment form dated 7th July 2020 and site photos is sufficient and that there is no requirement for a contaminated land condition.

In response to other concerns raised by objectors

112. Some objectors have noted that Policy 16 within the Emerging Local Plan would not permit the erection of new HMOs where the proposal would result in there being in excess of 10% of properties within 100 metres of the site being used as student accommodation (2 out of 18 or 11.1%). The proposal would result in there being over 10% of the properties within 100m of the application site being student properties, as defined by Council Tax data. 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. As set out in paragraph 24, although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.
113. An objector also commented that the proposal is contrary to the emerging Durham City Neighbourhood Plan. The Examination Report by the Inspector was received in July of this year however the Inspector concluded that Policy D3 did not satisfy the basic conditions. This was because the condition "is negatively worded and highly restrictive and does not constitute a proportionate response to the issue based on the limited evidence which is presented. I note that the approach closely aligns with that in Policy 16 of the emerging County Durham Local Plan but departs from it in some areas...It includes policy criteria and thresholds that lack an adequate evidence base and there is also significant potential for confusion with the emerging County Durham

Local Plan when adopted. The matter is also addressed in the existing policy framework provided by the interim policy on student accommodation.” The Inspector recommends that Policy D3 is deleted and so it carries no weight in the determination of this application.

114. In response to concerns that the city is already unbalanced with students: The Interim Policy was brought in to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix. The proposal has been assessed against this and is considered to comply with its requirements.
115. In response to questions over whether the proposal is actually for Purpose Built Student Accommodation: The proposal is for one five-bedroom detached dwelling. Although it is considered likely that the property would be occupied by students, the dwelling would not preclude being occupied by other groups such as young professionals and so is considered to be a house in multiple occupation rather than purpose-built student accommodation.
116. In response to concerns that the development is not necessary as there are already many students and accommodation for them in the area, and that there are empty properties on Hawthorn Terrace within a mile of the site, although it is considered likely that the properties would be occupied by students, the dwelling would not preclude being occupied by other groups such as young professionals. There is no requirement for applications for HMOs to demonstrate a need for this type of accommodation. Furthermore, given Highways concerns over the access, the site is not considered suitable for family homes due to the increased likelihood of car ownership.
117. In response to concerns that COVID 19 may result in less HMOs being needed as more students choose to learn from a distance and online, including international students: the dwelling does not have to be occupied by students and could be occupied by different groups such as young professionals.
118. In response to comments that there are two study rooms on the first floor, which could be used as additional bedrooms: If both study rooms were converted to bedrooms, taking the total to seven, planning permission would be required for a change of use to a larger HMO (sui generis use class) where the potential impacts of this would be considered.
119. In response to concerns that approval would set a disastrous precedent: Applications submitted in the future would be judged on their own merits.
120. In response to concerns over traffic generation at unsociable hours: There would be no provision for car parking spaces serving the new dwelling which would restrict vehicular movements.
121. In response to concerns over the potential for the proposed external door within north side elevation, serving the utility room, to lead to congregating and smoking close to the boundary with the garden of neighbouring property Langdale: Given the siting of the proposed dwelling towards the end of the rear garden, the utility room door is estimated to be approximately 28 metres away from the rear elevation of Langdale and therefore the impact of comings and goings specifically through this door is not considered to have a significant adverse impact.

122. In response to comments that the applicant previously felled trees at 7am in the morning: this was not within the control of the Local Planning Authority, but a condition (number 14) is recommended to restrict the hours of construction to protect the amenity of neighbouring residents.
123. In response to comments that noise from a party on the site previously led to a police raid: The Police were consulted on the application, but no response was received.
124. In response to comments that bins are left overflowing and are not returned promptly: Although this is a problem commonly associated with students, it is a problem with individuals rather than students as a whole. A bin storage enclosure is identified on the proposed site plan and this is considered to be sufficient to comply with the requirements of the Interim Policy.
125. In response to comments that there is no provision for disabled facilities: Due to the sloping nature of the site, there are internal stairs connecting the kitchen to the lounge on the ground floor. Building Control have confirmed that disabled access is covered by Part M of Building Regulations and would therefore be assessed as part of any building regulations submission. They have commented that the layout would likely be acceptable due to there being a W.C. located on the accessible level and that the installation of a stair lift could provide access to the lower level.
126. In response to concerns over light pollution and the development compromising the character of the green fields to the west of the site: The dwelling would contain six habitable room windows within the west facing elevation and one habitable room window within the east facing elevation. This would have some impact in terms of lighting up the garden area that is currently not lit up, but a condition is recommended requiring a landscaping scheme to be agreed with the Local Planning Authority which would provide screening from the fields to the west. Because of this, light pollution in itself is not considered to harm the character of the area or the landscape, and the development is not considered to harm the character of the countryside beyond.
127. In response to a comment that a neighbouring resident owns the field to the west of the application site and will have reduced outlook and loss of privacy: Although the proposed dwelling would be located within close proximity to this field, it would not adversely affect the outlook from this field as views across the open countryside lie to the west. A landscaping scheme involving the replanting of previously felled trees would help to screen the field from the application site.
128. In response to comments that the dwelling could be burgled when the tenants are not there and concerns over what checks could be implemented to ensure any visitors to the new houses are genuine: Although the property is not guaranteed to be occupied by students it is considered likely that the end users would be students. As with many student properties they may well remain empty for periods of time over the University holiday period as they may return home whilst there is no scheduled contact time, although this is not guaranteed. This could be for an extended period particularly over the summer months. Given the backland to existing backland location the site is not visually prominent, and it would seem unlikely that any potential burglars would be able to break into the houses without being detected given the access past neighbouring properties. The application is not considered to warrant refusal on this point.

129. In response to comments that application DM/16/02170/FPA on the same site was refused because it was contrary to local plan policy H10: The application referenced above proposed the demolition of the White House and its replacement with a dwelling of a larger scale, in height and proportion. The Inspector concluded that, "Due to its proximity, scale and massing, the proposed main block would be likely to greatly reduce the sense of space enjoyed by the residents of Langdale when using the habitable rooms served by windows in the rear elevation of their property, which include a lounge, dining room and a number of bedrooms, as well as the area of garden near to the back of the house." Several objectors have used this example to contend that this application will similarly adversely affect the residential amenity of nearby properties. However, the scale of the dwelling proposed in this application is considerably lesser, particularly in terms of height, and is sited much further away from the rear building line of the White House and Langdale. Therefore, it does not stand to reason that this proposal must also have the same impact on surrounding residents as that of DM/16/02170/FPA. The impact of the proposal on the amenity of the surrounding residents has been discussed in detail earlier in the report.
130. In response to a comment that the fencing on the plan is shown to overlap the ancient hedge between Langdale and The White House: This fencing is existing not proposed. No changes are proposed to this hedge.
131. In response to comments that several mature trees have already been felled: The trees are not protected by any Tree Preservation Orders and are not located within a conservation area so no consent would have been required to do this. However, conditions requiring details of a Tree Protection Plan and a landscaping scheme are recommended to protect the remaining tree and hedging and mitigate the loss of previous trees.
132. In response to comments that the applicant was in breach of a planning condition relating to the creation of the existing parking area (EN/19/00442): This breach was resolved and if any of the conditions imposed to the approval of this application were to be breached they would be investigated by planning enforcement.
133. In response to comments received regarding the description of the application as a re-submission and questioning why the Council accepted the application as an amendment: The application was described as a resubmission because the proposal consists of development of the same character on the same site and the inclusion of the reference number of the previous application was intended to make this clear to neighbouring residents and any other interested parties. The Council cannot prevent applicants submitting new planning applications for amended schemes.
134. The concerns raised by the community during the processing of the previous application have not been resolved: This application has reduced the number of dwellings proposed from two to one which officers consider overcomes the refusal reasons of previous application DM/20/00387/FPA. Although this application has not included any further details of aspects such as landscaping, archaeology etc., these can be secured by the relevant recommended conditions.
135. In response to questions over the extent of neighbour notification carried out: The Local Planning Authority is required to notify all directly adjacent landowners and this has been carried out. The properties on Quarry House Lane are not directly adjacent to the application site and so were not sent a neighbour notification letter. A site notice was posted to advertise the application to the wider population. People who were not

directly notified of the previous application but objected were able to find out about the application, through the site notice posted at the site entrance, and despite COVID-19 resulting in fewer trips outside, it is noted that a higher number of people have objected to this application compared to the previous one, suggesting people have not struggled to become aware of the application. Out of the 25 people who objected to the previous application 22 have again objected to this one; and the comments from the three people who objected to the previous application but not to this one have still been taken into account where relevant. It is considered that the Local Planning Authority has fulfilled its statutory duty to notify neighbouring landowners and has also taken due account of the comments received.

Conclusion

136. The site consists of backland to existing backland and the proposal involves the erection of one new dwelling sited to the north west corner of the site. Due to the wider shape of the plot compared to others along this stretch of Newcastle Road, this would leave a large area of the garden undeveloped for which the distinctive elongated shape that characterises the rear gardens of these properties would remain legible. Therefore, the proposal is not considered to adversely affect the character and appearance of the surrounding area.
137. Whilst the erection of a new dwelling in this location would inevitably intensify the residential use of the site, given the distance away from the closest neighbouring properties and the relatively low proportion of student occupied properties within 100 metres of the site it is not considered that it can be sufficiently demonstrated that the proposal would adversely affect the amenity of neighbouring residents to justify the refusal of the application. Furthermore, due to the lack of new parking at the site to serve the new dwelling, noise and disturbance from vehicular movements would be limited.
138. Highways Officers raised concerns over the conflict between vehicles heading north on the A167 and turning right into St Monica Grove and vehicles heading south on the A167 and turning right into the driveway leading to the application site. However, because no new car parking spaces are proposed as part of the development this would ensure the number of vehicular trips is limited and conditions could be imposed to prevent the grassed area being used for parking. Car ownership among students is typically around 20% and this level dispersed through the local area would not cause concern.
139. From a site visit it was observed that trees shown on the proposed site plan are no longer in place. To mitigate this tree loss and screen the proposed development in this outer edge of settlement location, it is recommended that details of a Tree Protection Plan and a landscaping scheme are secured by condition. Details in relation to archaeological investigations are also recommended to be secured by condition.
140. The proposal is therefore considered to be in accordance with Policy E14, E15, E24, E25, H10, H13, T1, T10 and Q5, Q6, Q8 and U8a of the City of Durham Local Plan, Paragraph 70, 122 and 127 of the NPPF, and Policy S1, H3, T1 and T3 of the Durham City Neighbourhood Plan.

RECOMMENDATION AND CONDITIONS

Approved subject to the following conditions

1. 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 Policy E14, E15, E24, E25, H10, H13, T1, T10, Q5, Q6, Q8 and U8a of the City of Durham Local Plan and Policy S1, H3, T1, T2 and T3 of the Durham City Neighbourhood Plan..

2. 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.

3. The external building materials to be used shall consist entirely of Birtley Olde English buff brick, cream coloured render and brown concrete Marley Edgemere concrete roof tiles.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy H10, H13 and Q8 of the City of Durham Local Plan, Parts 12 and 15 of the National Planning Policy Framework and Policy S1 and H3 of the Durham City Neighbourhood Plan.

4. Prior to the first occupation of the development hereby approved, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policy H10, H13, T1 and T10 of the City of Durham Local Plan, Parts 9 and 15 of the National Planning Policy Framework and Policy S1, H3 and T1 of the Durham City Neighbourhood Plan.

5. No development shall commence until details to protect all trees and hedges around the boundary of the site in the form of a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, have been protected in accordance with the approved plan. The tree protection measures shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area having regards to Policies E14 of the City of Durham Local Plan.

6. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details of the following:
- Details of soft landscaping including planting species, sizes, layout, densities, numbers.
 - Details of planting procedures and/or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - The timeframe for implementation of the landscaping scheme.
 - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
 - A plan showing the public/structural landscaping and private/in-curtilage landscaping.
 - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes and no tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. No trees, hedges and shrubs shall be removed within five years from planting without the agreement of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy E14, E15, H10, H13, Q5, Q6 and Q8 of the City of Durham Local Plan and Policy S1 and H3 of the Durham City Neighbourhood Plan.

7. The 0.5 metre high fence shown on the proposed site plan 18/95_200_H received 07.07.2020 shall be erected prior to the first occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: To limit the amount of car parking spaces that would serve the development to prevent an increase in the number of vehicular trips to the site in the interest of highway safety and in accordance with Policy T1 of the City of Durham Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), no provision for a hard surface at the site, other than those expressly authorised by this permission, shall be permitted without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy T1 of the City of Durham Local Plan.

9. Notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order) none of the development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory standard of development in accordance with Policy T1 and T10 of the City of Durham Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be non-opening and obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. The windows shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance of Policy H10, H13, and Q8 of the City of Durham Local Plan and Part 12 of the National Planning Policy Framework.

11. Prior to the first occupation of the dwelling details of fencing to be erected along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details and retained thereafter.

Reason: In the interests of the privacy and security of the neighbouring residents in accordance with Policy H10, H13 and Q8 of the City of Durham Local Plan.

12. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

13. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

14. No site works shall be undertaken or deliveries received outside the hours of 8am to 6pm Monday to Friday and 9am to 2pm on Saturdays. No site works shall be undertaken or deliveries received on Sundays or Bank Holidays.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy H13 and Q9 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.

- 15 No vehicles shall be parked within the curtilage of the dwelling hereby approved at any time.

Reason: To minimise the number of vehicular trips in the interests of highway safety and in accordance with Policy T1 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.



Durham County Council

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Location	Land to the west of the White House		
Comments	DM/20/01107/FPA		
Date	25 August 2020	Scale	1:1268

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