



Area Planning Committee (Central and East)

Date Tuesday 13 October 2020
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 8 September 2020 (Pages 3 - 32)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/19/02199/FPA and DM/19/02200/LB - 21 Market Place, Durham, DH1 3NJ (Pages 33 - 52)

Erection of part two storey, part single storey extension to rear to form 1 no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor.
 - b) DM/20/01580/FPA - Land to the south of Culloden Terrace, Grants Houses (Pages 53 - 68)

Erection of one detached 3-bed bungalow.
 - c) DM/20/02018/FPA - Saanen Lodge, Haswell, DH6 2EE (Pages 69 - 88)

Conversion of existing garage buildings (or demolished and replaced with) to a single dwelling covering the existing footprint and an extension to the east.
 - d) DM/20/01710/FPA - Garage block to the west of 12 Severn Close, Peterlee, SR8 1JU (Pages 89 - 108)

Conversion of existing garages to form 2 no. bungalows.

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
5 October 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 8 September 2020** at **9.30 am**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors D Brown, B Coult, M Davinson, D Freeman, K Hawley, S Iveson, R Manchester, L Pounder (substitute for A Laing), J Robinson, P Taylor, L Brown, S Dunn and E Scott

Also Present:

Councillors L Brown, S Dunn and E Scott

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, I Cochrane, K Corrigan, A Gardner, A Laing and J Shuttleworth.

2 Substitute Members

Councillor L Pounder substituted for Councillor A Laing.

3 Minutes

The minutes of the meeting held on 21 July 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest submitted.

Councillor D Brown noted he was not the Councillor Brown referred to within the report relating to Item 5c - DM/20/01107/FPA - Land To The West Of The White House.

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

The Chair noted the item was no longer being considered by Committee.

b DM/20/01518/FPA - Rear of 90 Ashbourne Drive, Coxhoe, Durham, DH6 4SP

The Planning Officer, Michelle Hurton, 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 the erection of detached garage to the rear of 90 Ashbourne Drive, Coxhoe and was recommended for approval subject to conditions.

The Planning Officer, MH noted the proposed garage would be in place of an existing detached shed with access to be taken from the rear lane, between Ashbourne Drive and Cornforth Lane. She explained that, as set out within the report, permission was only required for the detached garage, not the proposed access as the access was on to an unclassified road and therefore fell under the scope of permitted development. She noted the Applicant would need to contact Neighbourhoods Services as regards the dropped kerb. In reference to photographs of the location, the Planning Officer, MH noted garages located nearby on the opposite side of the back lane. She noted the proposed elevations and layout of the garage, it to be sited two metres back from the road, with an existing fence to be removed and a dropped kerb installed.

The Planning Officer, MH noted no objections from the Highways Authority.

In terms of representations, the Committee were asked to note there had been objections received from Coxhoe Parish Council, with concerns including traffic, highway safety, parking problems in the area and setting a precedence for others in Ashbourne Drive. The Planning Officer, MH noted comments from the Parish Council relating to the planning permission for the residential estate, FPA/P/4/95/0713, which had conditions attached relating to no access to be permitted from Cornforth Lane, except for emergency vehicles.

She added the Parish Council had also noted 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 would be affected by the garage application. She noted one letter of support and 11 letters of objection had been received from seven properties in the area, with the Objectors' main points being summarised within the report.

The Planning Officer, MH noted in terms of the principle of development, the design was acceptable and reiterated that the access on to School Avenue did not require planning permission as it was not a classified road. She added that if the design of the garage had been such that the height had been under 2.5 metres, it would have been allowed under permitted development. She added that it was 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. She concluded by noting that on balance, after taking all relevant planning matters into account, including both national and local policies and the objections and concerns raised, the application was acceptable and was therefore recommended for approval, subject to the conditions as set out within the report.

The Chair thanked the Planning Officer, MH and noted several speakers were in attendance to speak in relation to the application. She asked the Clerk to Coxhoe Parish Council, Claire Llewelyn to put forward the representations on behalf of the Parish Council.

The Clerk to Coxhoe Parish Council explained she had been asked to attend the Committee by the Coxhoe Parish Councillors and added that the Parish Council had received representations from residents who were strongly opposed to the application, and raised concerns about the traffic, highway safety and parking problems in the area and the amount of traffic incidents and near misses that had already taken place. She noted the area had a high volume of traffic and this was regularly reported to the Parish Council as a problem.

The Clerk to Coxhoe Parish Council explained that Cornforth Lane was a bus route and additionally, with the primary school at the end of Cornforth Lane, that would mean that twice a day vehicles parked on the front, and even the back, of the lane in order to drop off or pick up children. She explained there was an access point at the end of Cornforth Lane onto the A177 which residents reported was abused frequently. She noted it was used by buses and by emergency vehicles, which obviously needed the length of the lane to be passable. She noted that this all meant that residents had difficulties safely using and parking in their front street, and now felt their back lane was also being made more dangerous.

The Clerk to Coxhoe Parish Council informed the Committee that local residents used the back lane for parking and for children to exercise and residents felt there would be an increased risk of accidents and damage if more vehicles were legitimately allowed to use the space. She added residents were worried that providing vehicle access to the development would mean they could not park in the area available behind their homes, and that if they had to move their cars to the front street, that would further worsen the issues there. She noted the Parish Council supported residents in their view that, as the application would, by adding further vehicular access to properties to the rear of Cornforth Lane, raise the risk of accidents further to completely unacceptable levels.

The Clerk to Coxhoe Parish Council added that the Parish Council was aware that the Planning Permission Approval from 1996 for the former site of Lansdowne Comprehensive School at Condition 10 stated that *'there shall be no means of vehicular access to the development hereby permitted from Cornforth Lane'*. She added that further conditions stated that there was to be no construction traffic access. The Clerk to Coxhoe Parish Council noted the reasons given for those conditions were *'the interests of the amenity of the area and of highway safety'*. She explained that those issues had not gone away and if anything, the issues had become worse.

The Clerk to Coxhoe Parish Council noted that the County Council rejected an application for a house in the back garden of a Cornforth Lane house citing the *'adverse impacts of the development with regards to residential and visual amenity [which] are considered to significantly and demonstrably outweigh the limited benefits of the development'* and Coxhoe Parish Council supported the residents in their view that the amenity of local residents would be affected by the current application. She concluded by noting that Coxhoe Parish Council therefore objected to the application and respectfully requested that the County Council uphold its prior planning approval conditions and did not set any precedent for developments which would further affect the safety and amenity of residents of Cornforth Lane.

The Chair thanked the Clerk to Coxhoe Parish Council and asked Councillor S Dunn, Local Member to speak in relation to the application.

Councillor S Dunn thanked the Chair and Committee for the opportunity to speak and referred to slides that were shown to the Committee. He noted he lived at Ashbourne Drive; however, his property did not abut the back lane and therefore he was not directly affected. He added he was Chair of Coxhoe Parish Council; however, he had not been involved in the Parish Council's representations to Committee and had not predetermined his view in that respect.

Councillor S Dunn referred to photographs within his presentation and noted that, whilst his photographs were taken on a different day to those shown by the Planning Officer, the same two cars were seen to be parked in the same locations. He explained that 90 Ashbourne Drive used to have a garage, but a previous owner had converted it into a useable room.

Councillor S Dunn noted he, on behalf of the residents of Cornforth Lane, objected to the application, because of the adverse impacts on those residents. He explained that an application for a garage entering on to a back street looked quite reasonable on the face of it, however, there were a lot of history with the location, and building of the estate going back to 1990. He added that to obtain planning approval for the estate, the then Applicant (Hassall Homes) had to agree to give up land to residents on Cornforth Lane, provide off street parking, and a new back street for their use to remove residential traffic from Cornforth Lane due to it being congested for bus and school traffic.

Councillor S Dunn explained that at a public meeting held on 28 November 1995 between the residents of Cornforth Lane and the then County Councillor Alan Thompson and the 3 City Councillors, assurances were given to residents of the street, many of whom still live there:

Councillor A Thompson - land boundaries around the whole site should be tidied up, and vehicular access should not be allowed onto Cornforth Lane from the new development via the existing 'school' entrance.

Councillors A Thompson and M Crathorne - told the meeting that it was in the hands of the County and District Councils to agree, part of which would involve consideration of the points raised, but would expect a decision sometime in January.

Councillor A Thompson - saw no way that they could be stopped from using this entrance unless written into the planning consent.

Councillor S Dunn noted that on 28 January 1997, Durham County Council conveyed the estate, the former Lansdowne Comprehensive School site, to Hassall Homes with a covenant:

“(vi) ...to fence with a 1.85m high close boarded fence and thereafter maintain and repair such fence along the boundary between the land and the Transferors Retained Land.”

Councillor S Dunn added that on 18 January 2001, Hassall Homes conveyed the extended gardens on to the residents of Cornforth Lane up to the newly constructed back road.

He explained they also conveyed the estate with the planning approval for the new estate on to Miller Homes, however, they did not include covenants to reinforce the intent that there should be no vehicular access from the estate on to Cornforth Lane. He added that Miller Homes erected 1.85m fencing all the way along the new back road, preventing access on to Cornforth Lane.

Councillor S Dunn explained that the Hassall Homes Planning application 95/0713 was approved by Durham City Council 13 February 1996, the then Planning Authority with the following conditions:

“10. There shall be no vehicular entrance to the development hereby permitted from Cornforth Lane.

14. ...the existing vehicular access to the site from Cornforth Lane shall be closed in a manner to be agreed with the Planning Authority.

16. The access road to the rear of Cornforth Lane shall be constructed to an adoptable standard to the satisfaction of the Planning Authority.”

Councillor S Dunn noted that from these conditions the intention appeared to be very clear. He added that Cornforth Lane was a very busy bus route, which was parked upon both sides making travelling along it difficult and busses often got blocked. He noted that Coxhoe Primary School, at the end of the lane, had been extended twice to increase capacity as the village had grown from 215 pupils in 1995 to 320 currently, with a further extension planned. He added that sadly 43 percent of parents did not walk their children to school despite considerable efforts by the school, Durham County Council and Durham Constabulary and referred to a photograph showing vehicles spilling on to the back lane.

Councillor S Dunn noted that the back lane was introduced because of traffic problems on Cornforth Lane which had only got worse. He added that the application could set an unhelpful precedent for other properties which was never intended to allow vehicular traffic for the estate to use Cornforth Lane and the back lane instead. He noted that whilst he understood the Applicant's desire for a secure garage, the property was purchased in the knowledge that the garage had been converted into living accommodation.

Councillor S Dunn noted that approving the application, in his view, would increase congestion and potentially encourage even more residents to break out into the back street and use it for additional parking and access, contrary to NPPF Part 9. He added that the estate was well designed to enhance the built environment and the current application undermined and eroded that, contrary to NPPF Part 12.

He concluded by noting that for the last 25-30 years it had been recognised that vehicles accessing Cornforth Lane from the estate would have an adverse effect on Cornforth Lane's residential amenity and lead to further increases in congestion and he therefore requested that the application was rejected by Members.

The Chair thanked Councillor S Dunn and asked Ms Ellie Cutter, local resident, to speak in objection to the application.

Ms Ellie Cutter noted she would start by talking about the unsuitability of the road for access to the proposed garage, adding that the road was used all day, every day by residents for parking. She added that residents could not park at the front of their houses for a couple of reasons, one being that the row of houses was situated opposite a bus stop and has a bus stop on our side of the road and thus Arriva buses coming from opposite directions often cross each other at that point in the road. She noted that she often watched those buses trying to pull off tricky reversing manoeuvres in order to get up and down the road, and to do so they regularly needed to mount the pavement, something they could only do because residents were not parked there. She explained occurrences such as that only increased during the school term as numerous school buses dropped off and picked up at those points on the road. She added that there had also been numerous documented cases of cars being swiped or hit by Arriva buses and she had witnessed that happening twice on her area of the road. She explained that residents with small children also did not park on the road at the front as the standard traffic, such as cars and vans, speed up the road making it riskier for toddlers and kids potentially running into the road.

Ms Ellie Cutter explained that therefore the road being proposed as access to the garage was regularly filled with residents' cars, those who use the area at the top of the road as a turning head. She noted the road could only be used for parking on one side and regularly that side was completely lined with cars. She noted the physical practicalities therefore of a van, or vans, being able to turn into and out of a garage were unrealistic. She added that it was often a squeeze for a large car, let alone a van, to get turned around in the turning area because of the cars parked down the road.

Ms Ellie Cutter explained that the road was also increasingly busy during school time as parents used the entrance road and the back road to park to drop off and pick up their kids. She noted residents regularly have to squeeze past those additional cars and do joint manoeuvres with them to access their properties. She added that therefore, it was also unrealistic to set a precedent for those on Ashbourne Drive and the other adjoining roads to be able to request to build garages.

She noted that should the other residents of the opposite estate start making requests for garages the road would become completely unusable for existing residents as it was just not wide enough. She noted she believed it would be inevitable that such requests would be made as the parking provision on newer housing estates was insufficient and parking was an issue in those areas too. She added that it was arrogant to assume that the problem could be resolved by encroaching on another estate that also faced the same issues.

Ms Ellie Cutter explained another point was the additional risk the increase in traffic would make to the children who used the back lane. She noted children from across the houses on the lane use the road to play on a regular basis and while residents were aware of this, and acted accordingly in terms of their speed, adding more traffic to the road in the form of larger vehicles increases the risk of there being an accident. She explained that, in a wider context, the additional traffic being added to Cornforth Lane was also not acceptable, with the issues on Cornforth Lane being documented, namely: buses clogging up the road which was unsuitable as a bus route; the road being used as a cut through by cars, taxis and vans which speed; those issues being exacerbated due to residents without back lanes having to use Cornforth Lane as their parking area; and the issues being exacerbated during school term time. She reiterated that adding more traffic to Cornforth Lane was only going to make those even greater issues, especially considering again the setting of a precedent.

Ms Ellie Cutter thanked the Parish Council and Councillor S Dunn for their contributions.

The Chair thanked Ms Ellie Cutter and asked the Principal Planning Officer, Aland Dobie to respond to the points raised by the speakers.

The Principal Planning Officer noted that Officers did acknowledge there was a large volume of traffic at the pick up and drop off points for the schools, however, there was a fair distance between the application site and the school, around 340 metres, and therefore it was not felt what happened at the application site would directly affect what happened at the school. He added that in respect of people legitimately using the lane, it was adopted highway and therefore anyone had a right to use it and the access, as referred to within the report and presentation, did not require planning permission. He noted the garage itself only required planning permission as the height was greater than permitted development rights and therefore the Planning Authority's control in respect of the development was quite limited.

In respect of the reference to the 1996 planning approval, the Principal Planning Officer explained that there was one condition that related to construction vehicles not accessing the site from Cornforth Lane during the construction phase and added that clearly that had now been completed. He added that another condition related to the creation of an emergency access further down the lane, approximately 140 metres away from the application site, adjacent to the access from Cornforth Lane and noted that neither of the conditions intended to restrict future vehicle movements to or around the estate. The Principal Planning Officer noted that refusal of a permission relating to a development of a house was mentioned. He added that it was clearly a different type of development and would have had different planning considerations taken into account and was not directly relevant to the application being considered by the Committee. He noted that he would defer to the Highway Development Manager and Solicitor – Planning and Development on the issues raised by the Local Member and Parish Council on behalf of residents. He concluded by explaining that in respect of the parking issues raised, the Planning Authority recognised those issues and indeed understood those types of issue were experienced across the county, and he reiterated that the controls the Planning Authority had in this particular instance were quite limited.

The Highway Development Manager, John McGargill clarified that the lane in question was publicly adopted highway, maintained at the public expense and there were no restrictions in terms of passing or repassing over the road. He added the lane carried no private road status for the residents of Cornforth Lane.

With reference to Condition 10 of the estate planning permission, the Highway Development Manager noted it read: “*There should be no means of vehicular access to the development from Cornforth Lane*” and therefore was referring to the development, not individual properties. He noted that his interpretation of the condition was that the development highway should not connect with Cornforth Lane and allow the full development to discharge traffic on to Cornforth Lane. The Highway Development Manager noted that Committee report referred to the former school access being amended to allow “local residents” access to the rear of their properties, it did not refer to just the residents of Cornforth Lane. In terms of precedent being set, the Highway Development Manager understood the concerns of residents if every resident were to build a garage and access the rear of their property from the lane, however, there was nothing preventing them from doing that at the moment. He concluded by noting that from a Highways perspective the proposed access in the current application would not contravene Condition 10 of the previous estate permission.

The Chair noted Councillor S Dunn wished to clarify a point as regards Condition 10 from the estate permission. Councillor S Dunn noted he felt contrary to the Highway Development Manager in respect of the condition and he read from the letter granting planning approval and quoted Condition 10 from that letter it stating: "*That there shall be no means of vehicular access to the development hereby permitted from Cornforth Lane*". He added that there were retrospective interpretations as regards what the condition actually said and reiterated what he quoted was what the approval letter to the estate development Applicant said and there was no mention of construction traffic. Councillor S Dunn noted he felt the intentions of the County Councillors and City Councillors at that time were absolutely clear, as was the approval letter to the Applicant at the time.

The Chair asked the Solicitor – Planning and Development, Neil Carter to respond to the issues raised.

The Solicitor – Planning and Development noted that it was important to understand the scope of the application being considered by the Committee. He added that the application under consideration by Members was for the construction of a garage, the creation of a means of access from the highway to that garage was not part of the application and therefore while the Committee had heard a lot of debate about what Condition 10 from the estate permission meant, it was not part of the application that was before Members for consideration. In terms of Condition 10, the Solicitor – Planning and Development noted that it was not entirely clear what it was seeking to achieve, and that further context could be put on that by looking at the previous permission granted in 1996, however, to his mind it was clear that Condition 10 could not prevent members of the public driving along the lane because, as the Highways Development Manager had stated, it was publicly adopted highway and therefore from a legal perspective Condition 10 could not take away those rights. The Solicitor – Planning and Development noted a second point, that any suggestion that the creation of access to the proposed garage was not permitted development because of Condition 10 of the estate permission was not correct, and that the wording of Condition 10 was not sufficient to remove permitted development rights. He explained that in order to remove permitted development rights for the creation of a vehicular access there needed to be very clear wording and to his mind Condition 10 did not have such wording. He reiterated that while it was not entirely clear as regards the intention of Condition 10, it did not remove the rights of members of the public to travel along that road in vehicles and would not remove permitted development rights in terms of creating an access. The Solicitor – Planning and Development reiterated that the access did not form part of the application being considered and any issues in terms of the access would be for discussion outside of the context of the Committee.

The Chair thanked the Solicitor – Planning and Development and asked the Committee for their comments and questions.

Councillor P Taylor noted he felt for the local resident who had spoken in objection and Councillor S Dunn in terms of the problems that would be caused for residents if the application was to go ahead. However, he noted the main thrust of the objections seemed to be outside of the scope of the Committee. He noted that the Solicitor – Planning and Development had it absolutely correct in that the means of access was not the responsibility of the Committee, rather the building of a garage for the issue to be determined. He added that he felt that Condition 10 of the estate permission had been poorly drafted and that the condition was vague, open to interpretation, and as stated was an issue “for another day”. He reiterated that the application was for the construction of a garage and the other matters raised were not relevant to the Committee.

Councillor M Davinson asked for clarification in terms of if the size of the garage was reduced, whether it would require planning permission and if it was known why such a large height was required. He noted that the issues raised by objectors were issues experienced in all of the colliery villages across the county and noted the advice of the Solicitor – Planning and Development in respect of only considering the permission for the garage. He noted that if the height was below 2.5 metres then the Applicant could erect a garage under permitted development and asked if there was any further background information as regards the application being for that particular design. The Principal Planning Officer noted that the design was such that the only aspect that fell outside of permitted development rights was the height of the proposed garage, being greater than 2.5 metres. He explained that the height to the eaves of the garage was 2.5 metres and therefore if a flat roof was specified it would fall under permitted development, however, the design included a pitched roof that took the height beyond the 2.5 metres.

The Chair asked if there were any further comments or if any Member would wish to make a proposal in relation to the application.

Councillor M Davinson noted he felt that while there could be an adverse impact upon residents, the Committee could not explore the issues in relation to the access and rather only look at erection of the garage, and it being one that was only slightly larger than one that would be allowed under permitted development. He added he felt that the Authority would have a difficult time at an appeal justifying a refusal on the basis of such a small additional height and noted that the setting was a typical colliery village location, not an area with a “chocolate box effect”, with properties varying in terms of the types of extensions and garages. Accordingly, he proposed that the application be approved, subject to the conditions outlined within the Officer’s report.

Councillor P Taylor seconded the proposal for approval, noting that the issues that may or may not be caused were outside of the scope of the Committee and the Members were only looking at the issue of the build.

Councillor M Davinson asked if Officers could look into the issue of Condition 10 of the estate approval in order to make it clear what was meant by the condition. The Chair noted that she understood the sentiment of Councillor M Davinson, however, it could not form part of the vote on the application in front of Members. The Highway Development Manager reiterated he did not feel there was any dispute as regards the wording of Condition 10, however it was acknowledged that there was a difference in the interpretation of the condition.

Councillor M Davinson proposed the application be approved, he was seconded by Councillor P Taylor.

RESOLVED

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

c DM/20/01107/FPA - Land To The West Of The White House, Newcastle Road, Crossgate Moor, Durham, DH1 4HZ

The Planning Officer, George Spurgeon, 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 a resubmission of DM/20/00387/FPA for the erection of a single house in multiple occupation (use class C4) and was recommended for approval subject to conditions.

The Planning Officer, GS noted the application was for the erection of a single dwelling in the garden of The White House and that permission for the erection of two C4 houses in multiple occupation (HMOs) had been refused earlier in the year. However, as the current application related to a single dwelling, the potentially different impacts needed to be carefully considered. He noted the application had been tabled for consideration by Committee at the request of Councillor L Brown.

The Planning Officer, GS referred Members to the site location plan and aerial photograph noting open countryside and greenbelt to the west. He added that a lot of the properties along Newcastle Road benefited from an elongated garden shape and the garden shape of The White House was considerably wider than garden of other properties nearby.

He explained that an issue often associated with backland development was access to the site and noted access to the site from the A167 ran along the north of The White House and Abbey Vets and to the south of the neighbouring property, Langdale. He noted that the Highways Section had previously raised reservations as regards the access, in particular in terms of the potential for collisions between vehicles heading south on the A167 and turning right into the access road to the application site and vehicles travelling north along the A167 turning right into St. Monica Grove, almost opposite the access road that served the application site.

The Planning Officer, GS noted the unlit narrow access road, the hedge running along the boundary between the application site and Langdale, and the various views looking into and out from the site. He noted that as the hedge varied in thickness a condition was included for appropriate fencing to be erected in order to protect the privacy and security of the neighbouring property. He noted a hardstanding used for vehicles to turn and a grassed area that was large enough to accommodate parking for three vehicles. The Committee were referred to a final slide of photographs showing the remaining boundaries to the application site, with hedgerows and trees.

The Planning Officer, GS referred to a proposed site layout plan and noted five trees to the south-west boundary of the site, he explained the Council's Arborist had attended the site and confirmed there were in fact only three trees at that location, two of which were in poor condition and not worth retaining. He added the Arborist had noted only one Ash tree location within the rear hedgerow was recommended to be retained. He noted two of the trees must have been removed at some point in the past, however, none of the trees had a Tree Preservation Order (TPO) in place and the site did not fall within a Conservation Area and therefore no consent would have been required to remove those trees.

The Planning Officer, GS noted the proposed location of the dwelling within the site, along the northern edge, in keeping with the relationship to the access road and would be 27.5 metres away from the rear elevation of The White House in accordance with the relevant separation distances. He noted four parking areas, one in front of a garage and three to the west, bound by fencing. In reference to the previously mentioned reservations from the Highways Section in terms of the access, the Planning Officer, GS noted that to mitigate the risks, no additional parking was proposed to serve the new dwelling, in order to limit the number of vehicle trips, and this was achieved via a number of conditions recommended within the report, including: a condition preventing the application site being used for parking at any time; the removal of permitted development rights for new areas of hardstanding; and the erection of a fence around existing parking areas. He noted that to the north of the site there was a bin enclosure proposed along the footpath leading from the access road to the proposed property.

The Planning Officer, GS noted varying site levels, with the building to be situated such it would appear as a single storey bungalow from the east, but a two storey dwelling from the west, helping to minimise the impact from the east. He noted the only habitable room of the proposed dwelling that faced The White House was the kitchen and the elevations showed a built in cycle storage area to the front of the proposed dwelling.

In respect of representation from consultees, the Planning Officer, GS noted it had been confirmed that the proportion of student properties within 100 metres of the application site was 5.9 percent and there had been no objections from Environmental Health as it was unlikely to cause a statutory nuisance. He noted the Landscaping Section had noted no objections subject to a landscaping scheme and reiterated that the Council's Arborist had noted the Ash tree should be retained and protected during works. He added that, as no additional parking was proposed limiting the vehicular movements associated with the proposed dwelling, there were no objections from Highways Authority. He explained there were two conditions proposed by the Council's Archaeologist, the Contaminated Land section require no further information, and there were no objections from Northumbrian Water Limited.

In terms of representations, the Planning Officer, GS noted letters of objection from 47 individuals or groups had been received, including those from Councillor L Brown, Councillor E Scott, the City of Durham Parish Council, the Neville's Cross Community Association and the Quarry House Lane Environmental Association. He noted a full summary was included within the Committee report and issues raised included: the city already unbalanced by a high proportion of students; concerns raised over whether there is demand for accommodation of this type; increase in noise and disturbance; concerns that the communal garden area could be used to hold large parties; increase in vehicular movement, such as delivery and maintenance vans, taxis; lack of parking could lead to an increase in on-street parking elsewhere; bins are not returned and overflow, which adversely affects visual amenity and blocks the footpath; out of character with the area which is typified by long rear gardens; security of dwelling when it is empty; light pollution; overshadowing and loss of outlook; and loss of privacy.

In looking at the planning considerations, the Planning Officer, GS noted that as new build student HMO, the density within the area was 5.9 percent, less than the 10 percent threshold set out in the Interim Policy on Student Accommodation. He added that while Policy 17 of the County Durham Plan (CDP) referred to HMOs, in terms of consistency, it would not be afforded weight until the Inspector had responded in terms of the major modifications, therefore the Interim Policy would apply.

The Planning Officer, GS noted the impacts in terms of residential amenity, character, landscaping and the comments from the Highways and Archaeology sections and noted that, on balance, while the application was contentious and the objections received had been taken into account, it was felt that the application was in accordance with Local Plan Policies and the National Planning Policy Framework (NPPF) and therefore it was recommended for approval, subject to conditions.

The Chair thanked the Planning Officer, GS and noted several speakers were in attendance to speak in relation to the application. She asked the Parish Councillor G Holland, representing the City of Durham Parish Council to speak in objection to the application.

Parish Councillor G Holland thanked the Chair and Committee and noted that the application raised further concerns about the use of a backland site in Neville's Cross in order to add yet another HMO to the many HMOs that already abound in Durham City. He added that the Committee had "been here before", with some Members being able to recall an application that was considered in 2016 for the construction of a large family house in the back garden behind the existing White House. He noted that although recommended for approval by the then Officer, Committee disagreed and refused planning permission and that decision was upheld at Appeal by the Planning Inspector. It was added that the Inspector had concluded that the proposed development would have a significant and detrimental impact on the living conditions of neighbouring residents, with particular reference to outlook. The Inspector added that the proposal was also contrary to several Local Plan Policies and aspects of the NPPF.

Parish Councillor G Holland explained that, in 2019, the Applicant converted The White House into an HMO, a decision which, unlike today, was difficult to resist. He added that at the beginning of this year, however, the Applicant proposed further development of HMOs on the backland site but, in his report published on the 23rd April, the Officer recommended that it be refused because:

"the proposal is considered to be contrary to Policy H10, H13 and Q8 of the City of Durham Local Plan and Paragraphs 70, 122 and 127 of the NPPF". In further justification the officer added that this proposed development: "would significantly alter the character of the area to its detriment through the loss of the elongated rear garden area that is typical of the area and [represents an] overdevelopment of the site".

Parish Councillor G Holland noted the Officer also added that:

“these two dwellings would be occupied by students, who are likely to act as separate households and who are associated with comings and goings at anti-social hours which is considered to worsen the impact” and “would intensify the residential use of the site to a level that would likely cause adverse harm to the amenity of surrounding residents”.

He noted that was a pretty damning conclusion to justify his decision to refuse planning permission on this backland site, however, only days later, and clearly confident of success, the Applicant submitted yet another proposal for a backland HMO behind The White House which, of course, was already an HMO.

Parish Councillor G Holland asked what has changed, noting the purpose was the same; the principle was the same; the policies were the same and therefore he felt the judgement should be the same. He added that whichever way one would choose to dress it up, the application was still a backland development contrary to Local Plan policy H10 and still failed the test of Local Plan Policies H13 and Q8. He noted it still did not meet the demands of NPPF Paragraphs 70, 122, and 127. Parish Councillor G Holland noted that furthermore, it now also failed the constraints of the County Durham Plan which, with the Examination in Public having ended and the Plan about to be published, must be taken into account. He added that the relevant section of the Plan, CDP 16.3, stated that new build HMOs would not be permitted if:

“Including the proposed development, more than 10 percent of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);”

He added that, using the County Council’s own figures, one additional HMO on the site would tip the balance to over 10 percent and, following the guidance of NPPF Paragraph 48, the County Plan policy must now be given weight. Parish Councillor G Holland reminded all that it was the Members of the Committee who were the decision makers and it was they who determine that weight. He noted that with the present application there would be two HMOs out of 17 residential properties in the 100-metre ring at that locality, bringing the percentage to 11.8 percent, consequently, the application should be refused on those grounds alone.

Parish Councillor G Holland added that, however, the application also failed the tests of Saved Local Plan Policies H10, H13, E14 and Q8, NPPF Paragraphs 70, 122 and 127, and the new and relevant Neighbourhood Plan Policies H2 sections c, f, and I. He noted those wide-ranging policies could not just be arbitrarily set aside.

Parish Councillor G Holland concluded by noting that, in the final analysis, the application was a bad scheme in the wrong place, for the wrong reason and noted the Parish Council strongly urged Members of the Committee to refuse planning permission using both saved and emerging local and national plan policies.

The Chair thanked Parish Councillor G Holland and asked Local Member, Councillor L Brown to speak in relation to the application.

Councillor L Brown thanked the Chair and Committee and apologised in advance for any repetition of the grounds for objection put by her learned friend Parish Councillor G Holland, adding they did bear repetition because of the strong local feeling against this application, with 47 objections received. She noted that, in her experience, very rarely did a planning application provoke that sort of response and added that this was why her address may be longer than usual, for which she also apologised, however, she had several crucial, points to make.

She explained that given that the area was characterised by large gardens and family houses, the planned HMO would change the whole dynamic of the area. She added a resident's statement, from Ms Helen Clark, would tell the Committee about the problems associated with just one HMO. She noted it was highly likely that with two the problems would be doubled. Unfortunately, unlike in licensing, there was not the privilege of calling in HMOs for review; a problem HMO was there forever. She explained all residents could do was pray for the end of term and hope for more community minded tenants the following year.

Councillor L Brown explained there was a complicated planning history attached to the site, as briefly outlined in the Committee report and Parish Councillor G Holland, however, she would give a little more detail because it would be important in the Committee's later determination. She noted that an application in 2016 by the Applicant to demolish and rebuild the property was refused and an Appeal dismissed, with the Inspector citing City of Durham Saved Policies H10, H13 and Q8. She noted an application in 2019 to turn The White House into a five-bed HMO with four parking spaces was approved. She added that in early 2020 there was a new application to build two five-bed HMOs on the garden and this was refused in April, again citing policies H10, H13 and Q8 and NPPF paragraphs 70, 122 and 127. It was noted that very shortly afterwards, the current application was submitted for one HMO with no change to the positioning of the one house within the curtilage of the garden.

Councillor L Brown noted the positioning of the house was still in breach of saved policy H10 which stated:

“Development of backland and tandem sites will not be permitted unless there is: 1. A safe and satisfactory access and adequate parking; and 2. The amenities of both the new and existing dwellings are not adversely affected; and 3. It is in keeping with the character, density, and scale of surrounding or adjacent development”.

She added that moving on to consider saved policy H13, which stated:

“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”.

Councillor L Brown noted that saved policy Q8 also protected residents' amenity in part 2 and the character of the area in part 7. She added that if the development went ahead it would have a permanent negative effect on both the area and residents' amenity. It was added that the saved policies mentioned were supported by NPPF paragraph 70, which urged that we *“resist inappropriate development of residential gardens”*; paragraph 122 which stated that *“an area's character and setting”* must be maintained; and paragraph 127 which stated that a development must be *“sympathetic to local character”*.

Members were reminded that paragraph 45 of the report referred to the application as a no car development with only the four parking spaces associated with The White House and Councillor L Brown noted this was why Highways had withdrawn their previous objections. She reminded the Committee that times had now changed with Covid now meaning people were unhappy with using public transport and she explained there were steep hills between the application site and the University, approximately one and a half miles away. She noted that residents were very worried that 10 occupants may well bring with them 10 cars, leading to overspill parking within nearby streets, which already had parking problems. It was noted that if you add to that visitors' cars and delivery vehicles turning to and from the busy A167 then there was a safety issue. Councillor L Brown noted Saved Policy T1 stated that permission would not be granted for development which would have a significant effect on the owners of nearby properties and a detrimental effect on highway safety.

Councillor L Brown noted that while she found it awkward to disagree with Planning Officers, however, she thought that paragraphs 24 and 25 and 112 of the Committee report were based on an erroneous premise.

She noted that Paragraph 48 of the NPPF stated that the degree of weight that could be given to emerging plans depended upon the extent to which they met three criteria: firstly, the plan must be in an advanced stage of preparation; secondly there must be few, insignificant or no objections; and thirdly the policies must be consistent with the framework.

Councillor L Brown explained that the Neighbourhood Plan 100 percent met all three criteria and decision statement has been issued and the Plan was going to Referendum.

She noted the County Plan already met criteria one and three and when the Inspector agreed the main modifications, which would happen before the end of the year, it too would carry considerable weight. It was explained that it did now carry some weight where there were no unresolved objections, and therefore Parish Councillor G Holland's citing of policy 16.3 regarding student percentages, which had no outstanding objections against it, was a valid point. She noted that the Neighbourhood Plan policies which were relevant to the application had already been cited within the report, with the most important being Policy H3 which stated that development must enhance the character and the distinctiveness of the area and must be appropriate in scale, density, massing and layout appropriate to the area. She noted that again that policy was supported by the appropriate paragraphs of the NPPF and added that a building on the site would breach the terms of that policy.

Councillor L Brown noted that it was possible for Officers to make mistakes, the withdrawal of the first item on the agenda being proof of that. She added that given the depth of opposition against it, and the policies it breaches, the application comprehensively failed the balance test of NPPF paragraph 11. She noted she found it difficult to see how Officers could recommend the application for approval and she urged the Committee to refuse it on the grounds that the application was in breach of saved policies H10, H13, T1 and Q8, NPPF paragraphs 70, 122 and 127, Neighbourhood Plan policy H3 and CDP policy 16.3.

The Chair thanked Councillor L Brown and asked Councillor E Scott, Local Member to read out a statement on behalf of a local resident, Ms Helen Clark, who was unable to attend the Committee.

Councillor E Scott thanked the Committee and read the statement from Ms H Clark:

“Our family home, Langdale, is next door to the White House and we will be badly affected if this proposed HMO is allowed. I am also speaking for all our neighbours. There have been 47 objections and no support whatsoever for this application. Last year, the developer converted The White House from a family home with good neighbours into a five student HMO.

The students have lacked consideration. Bins have been left out for days on the frontage to the main A167 and, although fully aware, the applicant has done nothing to control this. During lockdown the students hosted a garden party for others across Durham, with complete disregard for the elderly and vulnerable who were shielding around them, and keyworkers either side. This thoughtless behaviour continued even after the University Vice-Chancellor became involved and warnings were given, but they just turned up with suitcases during the travel ban and persistently entertained non-household members. From the outset, there's been no effective management plan at all. The burden for this has fallen to the community.

The developer cleared the garden of beautiful mature trees and, this year, applied for two further HMOs. This was rightly refused, for, amongst other things, being backland development. This Committee and the Inspectorate also refused a previous application for the same reason. This, essentially identical, application is for the same backland and carries with it all the same problems.

Concentrating at least 10 students, and their inevitable guests, in a quiet residential back garden, with families and young children on three sides and elderly residents trying to enjoy a peaceful retirement in Neville Dene, is detrimental to our community. There is no need for HMOs to further encroach this area, especially as it is not even near the university. It brings no benefit to Neville's Cross.

This residential area has long rear gardens, stretching to the Durham Green Belt. It is on the Neville's Cross Battlefield area and is much valued by us all for its beautiful, unobscured outlook over rolling countryside, its sense of space, and its natural, historic environment. This proposed HMO would spoil all of this. Not only is this HMO off the build line in the garden, it is much closer to our boundary than The White House.

At Appeal in 2017 the Inspector said:

"In comparison with The White House, Langdale occupies a relatively narrow plot and consequently the outlook benefits considerably from the sense of space afforded by the lack of development to the rear of The White House".

That sense of space, that outlook would be lost if you grant permission for this building. We would look out on bricks and tiles rather than attractive open countryside. My family would also suffer from a significant loss of light and privacy by overlooking of our garden and overshadowing of our garden seating area, with smells from the bin enclosure right next to it.

Add to this the noise from the increased comings and goings of so many households, all forced to pass the pinch point between our house and the White House; the late-night taxis and takeaway deliveries; disturbances outside our back-bedroom windows, which disrupt our children's sleep; and the increase in antisocial behaviour. The applicant is aware of all of these problems but has ignored them. Indeed, the applicant breached planning conditions last year which had to be enforced.

Furthermore, the plans are wrong. No part of the 300 year old hedge has yet been replaced by a fence. To allow this historically important hedge, shown on ancient maps, to be destroyed, with so many trees and hedges already removed, would further harm our environment. Planning conditions 1 and 5 in the Officer's report are therefore contradictory. Quarry House Lane would also suffer detriment to their amenity and outlook, as would the western public viewpoint.

To create 5 additional households, with no parking provision, contrary to Policies H10 and T10, would displace cars to the surrounding streets or the verges, to the disadvantage of residents. There would certainly be more traffic to the site from the busy A167. It is terrifying, turning into St Monica opposite, to see a car coming headlong in the same space to turn into The White House. The inability to see if parking spaces are full would force cars to reverse up the long, narrow, access onto the fast-moving A167, over the National Cycle Path and pavement used by hundreds of children a day. Pedestrians on the unlit access also could not escape. These are accidents waiting to happen and the odds would be doubled.

Finally, we hope that you will use the relevant and available policies to protect our home, our amenities and our neighbours, and prevent the unnecessary loss of one of the few remaining areas with characteristic long rear gardens from being built over purely for financial gain. We ask Committee to refuse this application”.

Councillor J Robinson left the meeting at 11.02 am

The Chair thanked Councillor E Scott and asked Mr Frank Stephenson, the Applicant to speak in support of his application.

Mr F Stephenson noted he had listened to all that had been said and understood that it was an emotive application, however, he wished to give some background to the application. He explained that arriving at the current proposal had taken almost five years, with a lot of consultation and consideration. He noted that Council Officers recommended the application for approval and he was confident that he was applying for development that should be approved by the Council.

He explained that in 2015, prior to purchasing The White House, he met with Senior Planners to discuss permission to build a second house of similar proportions to The White House, to the west of The White House in line with nearby Neville Dene. He reiterated that this was back in 2015, with another option being to demolish the existing house and build a large family home, with both options being considered feasible. Mr F Stephenson noted that upon purchase he opted to build a family home on the large, almost half acre site with a design such to accommodate his family of five as well as his wife's mother and disabled father who sought to relocate due to ill health.

Mr F Stephenson noted that, as Councillors had already stated, in 2016 neighbours vehemently objected to the proposal and the plan was subsequently rejected. He added that in 2017/18 he sought tenants for the house, and he had meetings with various families, some as large as seven or eight person families, and eventually it was decided to help a single mother with two children. He noted that one of the objections was that he was purely in the matter for financial gain, however, he provided the house at a significantly reduced rent over the long term, a 75 percent reduced rate compared to prices today. Mr F Stephenson explained that sadly the tenant left after less than two years, giving reasons including intimidation by neighbours. He added it was upsetting that some neighbours had engaged in that, with one that had trespassed having been given a Police warning for criminal damage.

Mr F Stephenson noted that in 2018 an application was made for change of use for The White House from C3 to C4 HMO use, as the family had moved out and that was thought to be the best option. He added that despite the neighbours' objections permission was granted and the house had since been occupied by studious, quiet and law-abiding tenants. He noted he had not received any objections directly or through the managing agent for the property and added a professional gardener maintained the gardens and the house was kept in good order. He added that there was ample parking and turning space and with no need to reverse up the road, noting there was only one previous tenant that had a car, with his belief being that currently none of the students had a car. He added in contrast he noted neighbours had their cars parked on their lawns, on grass verges and elsewhere around, noting his property was not like that.

Mr F Stephenson noted in 2019 he returned to the initial option of building another house, which had been discussed with Planning in 2015. He added that he consulted with Planning and Highways on site in Autumn 2019, with Highways saying they would not object to two houses on the site, based upon them being non-car houses, HMOs.

He noted that Planners agreed support for one house, in line with the current proposal and, taking on board the comments from Planners and the Inspector from the previous application for a large family home, the current proposal was for a much smaller house. He explained the previous proposals represented around 17 percent of the site, the current proposal being only around 4 percent of the site and was located much further away from neighbours' properties and was cleverly designed using the natural slope of the land to make it relatively inconspicuous, and it did not overshadow.

Mr F Stephenson noted he had worked very hard to be accommodating with the proposal and explained that the plot was around 35 metres wide, almost double that of the neighbouring property, Langdale. He added that the Officer's report stated that the remaining garden after the proposed house was built would still be around 40 metres long and 20 metres wide, still wider than the neighbouring Langdale which was 18 metres wide. He added the proposed property would be 30 metres away from Langdale, 27.5 metres away from The White House, with the bin store being 20 metres away from neighbours and would be surrounded by a hedge and fencing. He explained that the site density was around 12 percent, compared to an average of around 23 percent for neighbouring properties and added that the site was screened by trees, hedging and fencing and he would put more landscaping in place if required and the property would have better parking and turning facilities, yet would have fewer cars.

Mr F Stephenson noted that he had done an awful lot and whilst other houses he owned were rented to families and professionals the previous tenants at The White House were studious, quiet and law-abiding and he believed the same of the current tenants. He noted in conclusion that the proposals were recommended for approval by the Council's Officers and he was confident that he was applying for a development that should be approved by the Council and he hoped with the detail and background provided that Members would give their approval.

The Chair thanked Mr F Stephenson and asked the Planning Officer, GS to respond to the points raised by the speakers.

The Planning Officer, GS noted he would answer some aspects and he would defer to the Highway Development Manager to respond to highway and parking issues and to Graeme Smith, Policy Team Leader from the Spatial Policy Team to respond in terms of the emerging CDP. In response to the comments from Councillor L Brown relating to the NPPF Paragraph 11 balance test that was used in some circumstances, he noted that this would take place where Local Plan policies were considered out of date and were not consistent with the NPPF.

He added that in this case, while the Local Plan was out of date, the policies were consistent with the NPPF and therefore Paragraph 11 was not engaged and therefore there was no requirement to weigh the benefits of the proposal against any adverse impacts.

The Planning Officer, GS noted that in terms of weight afforded to the Neighbourhood Plan, he noted that Councillor L Brown was correct that significant weight could be afforded to the Plan and the Committee report did indicate that weight could be given to the Plan. He added that as he Inspector's report had been received and a decision statement had been issued by the Council confirming that Plan could proceed to referendum, and therefore significant weight could be afforded to policies S1, H3, T1 and T3 of the Durham City Neighbourhood Plan.

The Planning Officer, GS noted that in respect of the 2016 application referred to by speakers it was a significantly different application to that before Committee, the 2016 application being for the demolition of The White House and the erection of a replacement dwelling which was of considerably larger scale to the current application. He noted the proposed dwelling in the current proposal was single storey when viewed from the east, with the 2016 proposals being for a nine-bedroom property, two storey, if not higher, and sited much closer to the rear elevation of Langdale so when objectors have cited loss of outlook and the sense of space, then the impact of the 2016 proposals would have been very different as it was much closer to the rear elevation. Accordingly, the Planning Officer, GS noted that he felt the two applications were not comparable.

The Planning Officer, GS noted the hedgerow between the application site and Langdale was mentioned and he explained that plans showed the existing fence, as also shown in the site photographs alongside the existing vehicle turning area, and no changes to that hedge or removal of the hedge were proposed, and while plans may suggest the hedge may be impacted, it was not the case, with existing and proposed plans being the same in that respect.

The Planning Officer, GS noted the difference between the current application and the one previously refused was that the previous application was for two houses, not one. He noted as it had been mentioned by objectors and he would clarify in terms of backland development and the impact upon the character of the area, with two houses being such they would have resulted in the complete loss of the elongated shape of the garden. He added that the current proposal for one property would still have an impact upon the openness of the garden, however, the elongated shape would still be legible and the majority of the garden would remain underdeveloped, therefore it was not felt that the application should be rejected on those grounds.

In respect of residential amenity, the Planning Officer, GS noted there was a relatively low proportion of student properties in the area currently and while there was some impact in terms of an individual student property, the more significant impacts tended to occur when there were lots of student properties within an area, where the proportion was quite high. He noted that it was not the case in terms of the application before Committee, the proportion of student properties was relatively low and the restrictions on parking, although with no guarantee that there would not be any vehicle movements associated with the new dwelling, meant that those would be limited and therefore the noise generated would also be limited.

The Highway Development Manager reiterated that the proposed development would not provide any parking and that was contrary to Durham County Council's Parking and Accessibility Standards. He added, however, that the provision of parking and the location of the site were weighed and given the location of the site, on the A167, it was a sustainable location in terms of public transport, with bus stops close to the site. He noted that his original concerns as regards the development of the site were that vehicles travelling south on the A167 that needed to turn right into the site needed to utilise the opposing right turn lane into St. Monica Grove. He added that therefore any increase in traffic movement would increase the risk of a head on collision, although he noted there had not been any accidents of that type at the location thus far and those types of vehicle movements did occur at the moment. The Highway Development Manager explained that if there was an increase in vehicle movements, that would result in an increased risk. However, he noted in order to restrict the traffic movement, the Applicant had come forward with a development where there was no parking so it was hoped there would not be a significant increase in those right turn movements. He noted it was a judgement call and that he held the view that there was enough space within the site to meet the current demand and that any increase in demand, should there be an increase in demand, would not affect the A167 as, generally speaking, residents did not park on the A167. He noted the issue of parking on the footways along the A167 close to the property had been raised, and he added there was a legal process that could address that issue. He noted that if there were any additional parking demands arising from the proposal, which he did not think would be significant, there was a potential that would arise in adjacent streets. The Highway Development Manager concluded by noting, on balance, that was not totally unacceptable and therefore he had no objections to the application.

The Policy Team Leader noted he would provide confirmation of the current status of the CDP and also a view on what that would mean in attributing weight to the policies within the CDP at the current time.

He noted that currently, the consultation on the proposed modifications ended on 21 July 2020 and all the representations received as part of that consultation had been sent to the Inspector along with the Council's responses to those comments received. He explained that the next step within the examination of the CDP was for the Inspector to consider all of the representations, and the Council's responses to the main issues, before then publishing and issuing a final report on the CDP. The Policy Team Leader emphasised that the final report on the CDP from the Inspector had not yet been published. He noted that although the CDP was at an advanced stage of its preparation, it was considered at this time that no weight should be attributed to the policies within the CDP. He also noted there had been some mention of NPPF Paragraph 48 and agreed this was the relevant policy to inform the position. The Policy Team Leader explained that Paragraph had three considerations, firstly the stage of the emerging plan, which was noted to be at an advanced stage, however, the view was that it should only be given weight once we knew what the sound plan looked like after comments from the Inspector on the CDP and its policies. He noted it was within the Inspector's gift to make further modifications to the CDP at this stage and those would come out through the final report. The Policy Team Leader noted the second consideration related to any unresolved on policies within the CDP and he added that, as part of the consultation on the main modifications which closed in July, a number of comments were received as part of that consultation, some in support, some in objection, some wanting further modifications. He noted that in particular there were a number of comments relating to the student policy that wanted changes to that policy. Accordingly, the Policy Team Leader noted there were unresolved objections to that policy, and he would expect the Inspector to take a few on that issue and arbitrate within his final report. He noted that the final point of Paragraph 48 was the degree of consistency of the emerging CDP with the NPPF and he again noted that this would be ultimately something the Inspector would determine in his final report. The Policy Team Leader concluded by noting that for those reasons no weight should be attributed to the emerging CDP policies at the current time, and therefore the relevant policies for use in determining the application would be the relevant saved policies within the City of Durham Local Plan as identified by the Officer in his report, those relevant policies within the NPPF, and the Council's Interim Policy on Student Accommodation.

The Chair thanked the Officers for their responses to the points raised by the speakers and asked the Committee for their comments and questions.

Councillor P Taylor asked if it could be confirmed as regards whether the Council could control vehicles at the site, noting five bedrooms, therefore potentially five vehicles if each person had a vehicle.

The Highway Development Manager noted there were no parking controls in that location, it was outside of the City's parking control zone and therefore if there were five vehicles arising from the development, they would need to seek legal parking elsewhere within the locality. Councillor P Taylor asked if students took up occupancy and were intent upon having a vehicle and parking on site, did the Council have any powers to stop them. The Highway Development Manager noted there was a condition to prevent additional parking space being created within the development. Councillor P Taylor asked, if the Council approved the development, what was stopping the students bringing their vehicles and parking somewhere within the site. The Highway Development Manager noted that the layout of the site was such that the applicant could not create any further parking spaces in addition to the condition to secure that. The Chair noted she felt the point Councillor P Taylor was making was not as regards what was permitted on the site, rather what could be done if students chose to park on land at the site that was not designated for parking and asked whether the issue would then be passed on to other Council sections, such as the Neighbourhood Wardens. The Highways Development Manager noted that as part of the development there was fencing to prevent parking outside of the designated areas on the site. The Planning Officer, GS noted that there were three conditions within the report that looked to address the issues as raised by Councillor P Taylor. He noted they were conditions: 7 - fencing around the parking area to prevent cars carrying on to the lawn; 8 - removal of permitted development rights for new hardstanding; and 15 - no vehicles shall be parked within the curtilage of the dwelling hereby approved at any time. Councillor P Taylor noted the position of the Council and noted it would be seen how the situation would turn out.

Councillor M Davinson noted condition 4 referred to information to be brought forward relating to the bin store, however, it appeared from comments from the Officer and Applicant that the location and information was known. He also noted condition 14 referred to the hours of construction and he added that an issue he often raised at Committee, along with Councillor L Brown, was that of a Construction Management Plan (CMP) to be included within recommendations. He noted there did not appear to be much of a CMP within the recommendations and, given the levels of objections by residents and the impact upon the numbers of people driving along the A167, he asked if there were further conditions required, for example to instruct that all construction traffic turn left into the site.

The Planning Officer, GS noted that in relation to the bins, the site plan showed the location of the bin store, however, it did not give details in terms of the height of the store or the materials to be used for the enclosure and therefore that information would be required.

He added that should Members feel a CMP was required in terms of parking and materials on site that could be added and noted he would defer to the Highways Development Manager as regards any requirement for a left turn as mentioned by Councillor M Davinson. The Highways Development Manager noted that he would be happy to see a CMP if Members wished, however, he did not feel it was absolutely necessary given the scale of the development and the number of deliveries to the site. He added that there were a number heavy good vehicles (HGVs) turning across the A167 at various points in any place and therefore during the construction period they may be a few more.

Councillor B Coult echoed the comments of Councillor M Davinson in terms of a CMP, noting that section of the A167 was extremely busy, was near to Durham Johnson School and was utilised heavily. She noted she had serious concerns that if there was not a CMP in place that there could be issues with HGV deliveries potential putting people at risk on the highway and she felt it was imperative to have a CMP in place.

Councillor P Taylor noted his thanks to Councillor L Brown, E Scott and Parish Councillor G Holland for their local knowledge and all the information they gave the Committee, while also noting he was well aware of the history of the site and the various applications. He added that the type of application before Committee disappointed him greatly, noting that he felt the beautiful residential area, overlooking the Deerness Valley would be vandalised and he felt sympathy for the local community. He added he felt the building would be inappropriate and was a business opportunity in an area that should remain as a residential area. He asked if the application was approved what the percentage of HMOs would be and noted there were 400 student beds nearby at Duresme House. He reiterated he regretted the application and added he felt the Council could not enforce or put rules against who could and could not park and even if students did adhere to the conditions, they could park on the public highway. He concluded by noting he felt it was the wrong scheme in the wrong place and that if approved it would change the whole dynamic of the area, with the proposal being a business opportunity that would result in two student properties right in the middle of a residential area.

The Planning Officer, GS noted the current proportion of HMOs was one in seventeen, equating to 5.9 percent, a new property increasing that to two in eighteen, equating to 11.1 percent. Councillor P Taylor noted that was above the 10 percent.

Councillor D Freeman noted he was also a Member of the City of Durham Parish Council; however, he was not on their Planning Committee and had no part in the objections put forward on the application.

Councillor D Freeman noted that felt, like Councillor P Taylor, that it was a very disappointing application and had no doubt that there would be parking problems, and clearly there would be issues for neighbours with one HMO there at the moment which the owner says is not causing any problems at the moment, with the neighbours saying it was causing massive problems. He noted the proposals were such that there would be two HMOs right next to each other which he felt would be more than twice the problem. He added he disliked backland development and agreed with Councillor P Taylor in that it would destroy the environment in that location by building a house. Councillor D Freeman noted that needed to be balanced against the fact there did not appear to be the policies in place that he would like to be able to reject the application. He noted he was no fan of HMOs, however the existing policy only allowed for rejection if there were more than 10 percent and Members had been told the current proportion was less than 10 percent. He reiterated he felt it was a disappointing development and that it would damage the local area.

The Chair noted no further questions and asked if any Member wished to propose a motion in relation to the application.

Councillor M Davinson proposed, with the inclusion of a CMP to try and ensure residents were not adversely impacted by the construction, that the application be approved, subject to conditions as per the Officer's report. Councillor D Brown noted the report was a comprehensive one and on balance he would support the approval of the application.

Councillor M Davinson proposed the application be approved, he was seconded by Councillor D Brown.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the Officer's report together with an additional condition relating to a Construction Management Plan.

Councillor P Taylor wished for his concerns to be noted in respect of the application being presented to Members without a construction / traffic management plan being included within the conditions, especially given the location of the site and for all the reasons as raised within the debate.

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02199/FPA and DM/19/02200/LB
FULL APPLICATION DESCRIPTION:	Erection of part two storey, part single storey extension to rear to form 1 no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor
NAME OF APPLICANT:	3R Land and Management
ADDRESS:	21 Market Place Durham DH1 3NJ
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Leigh Dalby (Senior Planning Officer) Tel: 03000 261 389 Email: @durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application property comprises a 4-storey building situated at No. 21 Market Place, Durham, which consists of a retail unit to the ground floor with student accommodation to the upper floors.
2. The building is immediately bounded by commercial properties to the north and south and by Durham Market Place to the east. It is also situated within the commercial centre of Durham City and within the City of Durham Conservation Area and lies immediately to the north of the Durham Cathedral World Heritage Site (WHO).

The Proposal

3. Planning permission is for the erection of a part single, part two storey extension to the rear to provide additional ground floor storage and welfare facilities for the retail unit, and an additional 1 no. 5-bed residential HMO accommodation.

4. Access to the proposed new apartment would be taken from the existing entrance within the principal elevation of the property and the existing circulation space within the building.
5. The proposal would not involve any significant internal alterations to the original property to facilitate the proposed extension.
6. The application is reported to Planning Committee at the request of Councillor Richard Ormerod to allow the potential impact of the proposal on the World Heritage Site, and Durham City Conservation Area to be given consideration by the Committee.

PLANNING HISTORY

7. DM/18/00551/FPA Change of use of first and second floors from hairdressing and beauty salon to form 2 no 'self-contained' 3 bed student apartments. Approved - 17th April 2018
8. DM/18/00552/LB Change of use of first and second floors from hairdressing and beauty salon to form 2 no 'self-contained' 3 bed student apartments. Approved - 17th April 2018

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. NPPF Part 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.
12. NPPF Part 3 - Plan-making. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
13. 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.

14. NPPF Part 5 - Delivering a sufficient supply of homes. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. NPPF Part 6 - Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. NPPF Part 7 - Ensuring the vitality of town centres. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
17. NPPF Part 8 - Promoting healthy and safe communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. 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.
19. 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.
20. NPPF Part 15 - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. NPPF Part 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. *NPPF Part 6 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

LOCAL PLAN POLICY:

22. The following saved policies from the City of Durham Local Plan (CoDLP) are considered relevant to the determination of this application.
23. Policy E3 (World Heritage Site – Protection) seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance
24. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
25. Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
26. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
27. Policy E23 (Listed Buildings) seeks to safeguard Listed Buildings and their settings from unsympathetic development
28. Policy H8 (Residential Use of Upper Floors) generally supports the use of upper floors of shops and commercial premises providing it takes proper account of the surrounding land uses and the visual appearance of the area.
29. Policy H9 (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.
30. Policy CC1 seeks to protect and enhance the vitality and viability of the City Centre (reference is made to mixed uses, active street frontages, use of upper floors, residential occupation, environmental improvement and a safe, accessible and friendly public realm)
31. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
32. 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.

Interim Policy on Student Accommodation

33. On the 13th April 2016 an Interim Policy was adopted following consultation in relation to student accommodation, as such this interim policy can be afforded weight in the decision making process, although the weight to be afforded to it must be less than if it were part of the statutory Development Plan for the area, recent case law has supported the policy and its application. This is therefore a material consideration which is looked at in more detail below.

34. The Houses in Multiple Occupation (HMO) Interim Policy states: in order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build Houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bed spaces, and changes of use from any use a Class C4 (House in Multiple Occupation), where planning permission is required 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 HMO or student accommodation exempt from council tax charges.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

35. 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 Examination in Public (EiP) of the County Durham Plan (CDP) has now been completed following receipt of the Inspectors final report on 17th September 2020. This report confirms that the CDP is sound subject to Main Modifications being made and can progress to adoption. Therefore, as the CDP is at an advanced stage of preparation and will be adopted in due course, it is considered that it should be afforded significant weight in the decision-making process.
36. The following policies within the emerging County Durham Local Plan are considered relevant in terms of this proposal:

Policy 6 – Development on unallocated sites – development on sites not allocated in the Plan or Neighbourhood Plan but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological etc. value; is appropriate in scale, design etc to character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement’s valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

Policy 9 - Retail Hierarchy and Town Centre Development seeks protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.

Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.

Policy 21 (formally pre-submission draft policy 22) Delivering Sustainable Transport – requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.

Policy 22 (formally pre-submission draft policy 23) - Durham City Sustainable Transport seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area

Policy 29 (formally pre-submission draft policy 30) – Sustainable Design – requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

Policy 31 (formally pre-submission draft policy 32) - Amenity and Pollution – sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

Policy 43 (formally pre-submission draft policy 44) – Protected Species and Nationally and Locally Protected Sites -development proposals that would adversely impact upon nationally and locally protected sites will only be permitted where the benefits clearly outweigh the impacts on the interest features of the site and any wider impacts on network of sites. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

Policy 44 (formally pre-submission draft policy 45) - Historic Environment seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

Policy 45 (formally pre-submission draft policy 46) - Durham Castle and Cathedral World Heritage Site seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site.

37. In line with Section 70(2) of the Town and Country Planning Act 1990 (as amended), the local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application, and, para 48 NPPF guidance (i.e. where changes are required less weight to policies).
38. In that regard the following policies are considered relevant within the emerging City of Durham Parish Neighbourhood Plan:

Policy S1: Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet

Policy H1: Protection and Enhancement of the World Heritage Site seeks 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.

Policy H2: The Conservation Areas, aims to ensure that development proposals within or affecting the Durham City or Burn Hall Conservation Area should sustain and enhance the designated assets their special interest and significance of the Conservation Area Appraisals.

Policy H4: Heritage Assets seeks to ensure that Development proposals affecting heritage assets should demonstrate an understanding of the significance of the asset and give details of how the development proposal will impact on the asset and, where relevant, its setting

Policy D6: Building Housing to the Highest Standards seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.

Houses and housing developments must meet the Building for Life Criteria by avoiding any red traffic light scores and achieving as many green traffic light scores as possible. Application for accreditation of sites is not required.

Policy T1: Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.

most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

39. The following comments were received following consultation with Statutory and Internal consultees.
40. DCC Ecology have confirmed that the information submitted is sufficient to inform this application and that no further survey work is required; and requested that if the application is approved, to condition the contents of section 6.3 of the report (Mitigation and Enhancement measures) as it concerns the inclusion of a sensitive lighting scheme to the rear.
41. DCC Design and Conservation have stated that 'the proposed internal alterations and extensions would serve to cause no detriment to the significance of the individual heritage asset, would not harm the character, appearance or significance of the surrounding conservation area or the setting of the WHS and adjacent assets. Increasing the level of retail space and residential occupancy can be considered to have a benefit in terms of adding to the vitality and viability of the city centre. For these reasons the application would be considered to comply with the provisions of national and saved local planning policies. Consequentially there is no objection on heritage or design grounds, precise details of the external materials proposed for use would however be required.'
42. DCC Archaeology have confirmed that the proposed extension at the rear is in an area which has high potential to include important features and deposits relating to the occupation of the medieval building/s which once stood on this spot. Consequently, an archaeological watching-brief arrangement is required so that any such features/deposits encountered can be investigated and recorded prior to removal.
43. DCC Statutory Nuisance have confirmed that the proposed residential use would be within an area of commercial uses and therefore if the flats have not been designed to ensure that recommended internal noise levels for residential can be achieved then there could be issues with noise transfer to the residential properties. However, it is considered that conditions are sufficient to mitigate the potential of a statutory nuisance.
44. DCC Highways have confirmed that given the sustainable and accessible location, there are no objection on highways grounds. However, as the site is in a restricted city centre access location a Construction Management plan should be secured under condition.
45. Durham Police have no comment in relation to this application.
46. Northumbrian Water have stated that they actively promote sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
 - Discharge into ground (infiltration)
 - Discharge to a surface water body
 - Discharge to a surface water sewer, highway drain, or another drainage system
 - As a last resort, discharge to a combined sewer

Northumbrian Water Limited offer no objection to the application.

PUBLIC RESPONSES:

47. The application has been publicised by way of site notice and notification letters sent to neighbouring properties, in response the following comments were received:
48. **Durham World Heritage**
- Negative impact on the townscape setting to the WHS from the design of the rear extensions
 - Inadequate information
 - Failure to deal with rear fire access, derelict areas and potential impact on retaining walls.
49. **City of Durham Trust** - The Trust's objection is based on lack of information, poor appearance of the proposed extensions, failure to allow for refuse storage and collection and failure to deal adequately with areas that should be included within the application.
50. **City of Durham Parish Council** - The Parish Council's Planning Committee discussed this application at its meeting held on Friday 16 August and decided to ask for it to be refused because of its conflict with Saved Policies E3 (protection of the World Heritage Site), E6 (Durham City Centre Conservation Area) and E22 (Conservation Areas more generally) of the City of Durham Local Plan 2004. We also consider that it needs to be assessed against the Interim Policy on Student Accommodation.
51. We understand that this application has been called to Committee by County Councillor Richard Ormerod. We support this and would in any case like to have it considered by the relevant planning committee due to its conflict with the above-mentioned policies. The Design and Access Statement says that "No modifications are to be made to the frontage of the building within Market Place." We accept this. However, the Statement is silent about the impact on the rear of the building. We have read the submissions from the World Heritage Site coordinator and the City of Durham Trust and support and endorse them. We see no need to repeat them here, but we would point out that the Riverwalk development on the opposite bank of the River Wear has a new promenade with, as its name suggests, views across the river to the back of Silver Street and the Market Place, including of course 21 Market Place, which would be adversely affected if the proposed new development goes ahead.
52. The proposal is for an extension that will create additional bed spaces in an existing HMO. It therefore comes within the purview of Part A of the Council's Interim Policy on Student Accommodation, which states that the development 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 HMOs or student accommodation exempt from council tax charges. It appears to us that this will be the case, but this needs to be confirmed or refuted by a report from the Spatial Policy team. Consequently, we ask for this application to be refused, and if you are minded to approve we will put our case to the relevant County Council Planning Committee.

APPLICANTS STATEMENT:

53. Agent confirmed that they do not wish to make any statement at this stage.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

55. The proposal relates to the construction of a part single, part two storey extension to the rear to provide additional ground floor storage and welfare facilities for the retail unit, and an additional 1no. 5-bed residential HMO accommodation.
56. Policy H9 of the City of Durham Local Plan is relevant and relates to houses of multiple occupation although this is in the context of the subdivision or conversion of existing dwellings. However, in this instance as the upper floors of the premises are already in use as HMO it is not considered that policy H9 is wholly relevant to the determination of the application. However, the Council's interim policy relating to student accommodation is relevant and states that proposal to create a Class C4 or Sui-Generis (HMO) 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 HMOs or student accommodation exempt from council tax charges.
57. Whilst the Interim Policy has less weight than the saved policies of the City of Durham Local Plan it is nevertheless a material consideration in determination of the application. The threshold of 10 per cent was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', 2008 and in this respect is considered up to date and accords with the aims of the NPPF.
58. The set threshold of 10 per cent is considered to be the level at which an appropriate mixed and balanced community is maintained. The threshold considers the cumulative impact of student homes and the subsequent impact on residential amenity that occurs when the community is no longer appropriately balanced, and which can significantly change the character of an area over time.
59. The Council's data of Council Tax exempt properties within 100 metres of this application site states that 66.7 per cent of properties are currently occupied as student let accommodation. Whilst this exceeds the 10% threshold included in the interim policy the site is nevertheless situated within the commercial heart of the city in an area characterised predominantly by commercial uses. As such the introduction of an additional HMO to the upper floor of an existing unit, is not considered to have any unacceptable or fundamental impact upon the character of the surrounding locale.
60. Furthermore, in light of the various Planning Appeal decisions to date on similar issues relating to community imbalance, Inspectors have indicated that a concentration of 61.8 per cent or above is deemed to be the point at which an area is already imbalanced, the Local Planning Authority has therefore adopted this approach by Inspectors, and introduced the 61.8 per cent figure as an upper threshold as to when it is considered there to be such a high concentration of HMO's that a further conversion will not create further detrimental harm in line with point (e) of the Interim Policy.

61. Policy H8 of the CofDLP relates to the residential use of upper floors and as such is also relevant in determination of the application. It states that the use of upper floors of shops and commercial premises for residential purposes will be permitted provided that it does not give rise to conflict with existing uses in the area and it does not adversely affect the character or visual appearance of the surrounding area and it does not involve significant extensions, alterations or rebuilding which would unacceptably alter the character or scale of the original building.
62. As the development proposes residential use to the upper floors of a commercial unit it can draw some support from policy H8 of the CofDLP subject to the proper consideration of the development upon the character of the area and the amenity of nearby occupiers.
63. As detailed above, the CDP is at a sufficiently advanced stage of preparation that it can be afforded significant weight in the decision-making process, as such Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation, is relevant to the consideration of this proposal.
64. Policy 16 states that in order to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bed spaces and changes of use, shall not be permitted if including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption); or the area already has a concentration in excess of 90 per cent of Class N exemptions and will not therefore create further detrimental harm to the residential amenity of the surrounding occupants, or that the figure is artificially high on the basis that that commercial uses of predominant within 100m.
65. In this regards, whilst the number of Council tax exempt properties is in excess of the lower threshold (10 per cent), and beneath the upper threshold (90 per cent), the property is located within the commercial heart of Durham City Centre, as such paragraph 5.170 of the support text to Policy 16 states that where a proposal is within a town centre location where non-residential uses are dominant, the use of the upper floor above retails would be appropriate and would not impact on the character and residential amenity of the area. As such it is considered that the proposal is acceptable in line with Policy 16
66. It is noted that the draft Durham City Neighbourhood Plan is at a stage that it can be afforded some weight in the decision-making process. However, the policies which relate to Student Accommodation (Policies D2 and D3) have, following independent examination, been recommended that they are deleted, or consequential changes made to address the concerns. Therefore, it is considered due to this that no weight should be afforded to these policies at this stage.
67. With regard to the impact upon the vitality and viability of the city centre it is noted that policy S1a of the CofDLP seeks to protect and promote the vitality and viability of the city centre and that this approach displays a broad level of accordance with the aims of paragraphs 23 and 24 of the NPPF which require local plan policies to recognise town centres as the heart of their communities and LPAs to pursue policies to support their vitality and viability.
68. The application will not impact the on the existing A1 retail use to the ground floor, whilst providing additional storage and welfare facilities it is not considered that the proposal would have an adverse impact to the vitality and viability of Durham City Centre.

69. Therefore, in consideration of the above, it is considered that the extension to the rear, and the addition of a further self-contained HMO is acceptable in principle in this location.

Impact on the Designated & Non-Designated Heritage Assets

70. When considering any application for planning permission that affects a Listed Building, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
71. The National Planning Policy Framework (NPPF) paragraph 184 goes further than the NPPF stating that "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"; with para 185 stating that plans should set out positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats".
72. In considering the impacts of a proposal on paragraph 193 of the NPPF states "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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
73. The application sites history and aesthetic/architectural values combine to make this a highly significant site within the Historic Durham City Market Place that forms the historical focus of the designated conservation area and the inner urban setting of Durham Cathedral and Castle World Heritage Site (WHS).
74. The submitted details show that the works fall outside of the historic core of the building physically affecting the existing rear extension that is a 20th century addition the sub-division of this part of the building would not harm what survives of the historic plan form of the heritage asset, and as such would not result in any loss of significant historic fabric and would not entail the loss or disturbance of any historic or architectural features that the asset possesses.
75. The proposed extension of the 20th century addition would be undertaken in an acceptable manner forming a simple continuation of the existing built form. The extensions would not add a harmful level of additional built mass to rear, while they would maintain the current subordinate relationship to the original building. Due to maintaining the existing ridge and eaves height, and no lateral expansion meaning that the exposed original rear elevation would be maintained. The high-level extension would then step down to a lower single storey element reflecting the existing arrangement. The proposal includes vertically proportioned timber painted windows, art-stone cills, natural slate and brick to match the existing.

76. In wider terms, the rear of the building can be seen from specific public vantage points on the opposite side of the River Wear at the riverside terrace forming part of the new Riverwalk development and partially from Millburngate Road Bridge. In views from these areas the city displays itself as a tiered multi-layered environment upon the rising land allowing impressive views to the rear of the west side of the market square and where the tight collection of buildings and their relationship to Durham Castle, Cathedral and the riverbanks environment, including Framwellgate Bridge, can clearly be seen. The proposal is considered to assimilated into this context, that includes extensive 20th century rear developments, without appearing unduly noticeable, intrusive, or harmful to the existing view. This would result in the character and appearance of the surrounding conservation area not being adversely affected, nor would it harm the appreciation or experience of the heritage assets or their relationships including overlapping settings.
77. The proposal has been assessed by the Council's Design and Conservation officer, who has determined that the proposed internal alterations and extensions would serve to cause no detriment to the significance of the individual heritage asset, would not harm the character, appearance or significance of the surrounding conservation area or the setting of the WHS and adjacent assets. Increasing the level of retail space and residential occupancy can be considered to have a benefit in terms of adding to the vitality and viability of the city centre in compliance with national and saved local planning policies, consequently they are supported from a heritage perspective subject to relevant conditions.
78. In relation to the emerging County Durham Local Plan Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets, and Policy 45 seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site.
79. The emerging Durham City Neighbourhood Plan Policies H1, H2, and H4 seeks to ensure that proposals within the Durham Cathedral and Castle World Heritage Site, Durham City Conservation area, and affecting heritage assets should sustain, conserve, and enhance its Outstanding Universal Value, the significance of the Conservation Area and not have detrimental impact on the assets and their setting.
80. In regards to the policies within the emerging County Durham Local Plan (CDP), and Durham City Neighbourhood Plan (DCNP) these policies align with the NPPF aspirations and the saved policies within the City of Durham Local Plan, therefore whilst the response from the Councils Conservation and Design team have not directly made reference to these policies it is considered that as it has been considered acceptable in line with the saved policies and the overarching NPPF that the proposal is acceptable in relation to the emerging policy considerations.
81. Therefore, in consideration of the above guidance and policy consideration it is considered that the proposal will not detrimentally impact the appearance or character of the designated historical asset (Listed Building and WHS) to a significant level to outweigh the positive enhancements to the heritage asset in line with the requirements of E3, E6, E21 and E23 of the City of Durham Local Plan, paragraphs 184, 185, 191, 193 and 200 of the NPPF, Policies H44 and 45 of the County Durham Local Plan and H1, 2 and 4 of the Durham City Neighbourhood Plan.

Impact upon Residential Amenity

82. As noted policy H8 provides support for the principle of residential use to the upper floors of shops and commercial premises where this would not give rise to conflict with existing uses in the area. The Council's Interim Policy on Student Accommodation also includes safeguards to residential amenity and states that changes of use to HMOs will only be permitted where they provide acceptable arrangements for bin storage, shared facilities and consider other amenity issues.
83. Policy 31 of the emerging County Durham Plan sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
84. Policy D6 of the emerging Durham City Neighbourhood Plan seeks to ensure that all new housing, extensions and other alterations are of a high quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
85. Paragraph 123 of the NPPF requires that planning decisions avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
86. The access to the building, whilst presenting to the principal elevation to the adjacent Market Place is existing and set within the context of a mixed use area framed by a variety of uses and activities. Therefore, any increase in noise or activity would be negligible against the background activity and noise level typical of a city centre location. In terms of internal amenity space, the proposal is considered adequate for a development of this nature.
87. With regard to the impact of existing uses upon future occupiers the Council's Environmental Health Officer has noted that the student accommodation would be situated above a commercial use and therefore noise from the commercial use could cause disturbance to the residential units proposed. However, it is considered that any impact in this regard could be mitigated to acceptable levels via a scheme of noise mitigation measures the submission and agreement of which could be ensured through planning condition.
88. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the requirements of policy H8 of the CofDLP, Policy 31 of the emerging CDP and Policy D6 of the Emerging Durham City Neighbourhood Plan and paragraph 123 of the NPPF..

Highway Safety

89. Policy T1 of the City of Durham Local Plan notes that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant impact on the amenity of surrounding occupiers. This approach displays a broad level of accord of paragraph 34 of the NPPF which requires that plans and decisions ensure developments which generate significant vehicle movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised.

90. Policy 21 of the emerging CDP requires all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
91. Policy T1 of the emerging DCMP seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
92. Whilst it is noted that any future occupiers would not be eligible for a parking permit the building is nevertheless located within the commercial centre of the Durham City and is well served by public transport, several city centre car parks and the Council's Park and Ride Scheme. As such the Highway Authority has been consulted and offers no objection to the application. It is therefore considered that the proposal will accord with the requirements of policy T1 of the CofDLP, Policy 21 of the emerging CDP, Policy T1 of the emerging DCMP and Part 4 of the NPPF.

Residual Matters

93. Whilst the majority of the matters for objection raised have been considered in the above assessment, comments in relation to fire safety, means of refuse collection and retaining walls were also made, and as such require consideration.
94. In relation to the above matters, these matters are technical matters controlled by separate legislation regimes, as such Government guidance states that planning consent should not seek to ensure compliance with other legislative requirements, therefore in relation to fire safety and the retaining walls, no comment is made. However, it is proposed that details of the means of a refuse disposal scheme is submitted to and agreed prior to occupation of the units for the avoidance of doubt and to ensure that the refuse collection is adequate to prevent a detrimental impact on the amenity of the area

CONCLUSION

95. The proposed development is considered acceptable in principle and would not have any adverse impact upon the vitality and viability of Durham City Centre and the associated works proposed could be satisfactorily accommodated in terms of mass, scale, layout, design and materials and would not have an unacceptable impact upon residential amenity or highway safety in accordance with the requirements of policies H8, H9, S1a, Q1, Q2 and T1 of the City of Durham Local Plan, the Council's Interim Policy on Student Accommodation, Emerging County Durham Plan and Emerging Durham City Neighbourhood Plan.
96. In addition, it is considered that the proposal would preserve the character of the and appearance of Durham City Conservation Area, adjacent listed buildings and World Heritage Site in accordance with policies E3, E6, E21 and E23 of the City of Durham Local Plan and Paragraph 132 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 subject to the inclusion of appropriate planning conditions.

RECOMMENDATION

That the application (DM/19/02199/FPA) be **APPROVED** subject 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 H8, H9, S1a, Q1, Q2 and T1 of the City of Durham Local Plan and Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E3, E6, E21 and E23 of the City of Durham Local Plan and Policies H44 and 45 of the County Durham Local Plan and H1, H2 and H4 of the Durham City Neighbourhood Plan

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy H8, H9, S1a, Q1, Q2 of the City of Durham Local Plan, Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. No development shall commence until 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' 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.

6. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic/commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy H8, H9, S1a, Q1, Q2 of the City of Durham Local Plan, Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

7. Before any part of the development hereby approved is commenced a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls and floors between the adjoining properties shall be sufficient to prevent excessive ingress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy H8, H9, S1a, Q1, Q2 of the City of Durham Local Plan, Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

8. Before any machinery, plant, commercial process is operated, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant, machinery, commercial process on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy H8, H9, S1a, Q1, Q2 of the City of Durham Local Plan, Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

9. 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 H8, H9, S1a, Q1, Q2 of the City of Durham Local Plan, Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan and Parts 9 and 15 of the National Planning Policy Framework.

10. The development hereby approved shall be completed in accordance with the Mitigation and Enhancement Measures as set out in section 6.3 of approved Bat Survey Report (submitted July 2020), and thereafter maintained for the lifetime of the permission.

Reason: In the interest of protected species, and to ensure a satisfactory form of development.

That the application (DM/19/02200/LB) be **GRANTED** subject the following conditions;

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) 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 H8, H9, S1a, Q1, Q2 and T1 of the City of Durham Local Plan and Policy 31 of the emerging CDP and Policy D6 and T1 of the Emerging Durham City Neighbourhood Plan

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E3, E6, E21 and E23 of the City of Durham Local Plan and Policies H44 and 45 of the County Durham Local Plan and H1, H2 and H4 of the Durham City Neighbourhood Plan

4. No development shall commence until 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' 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

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

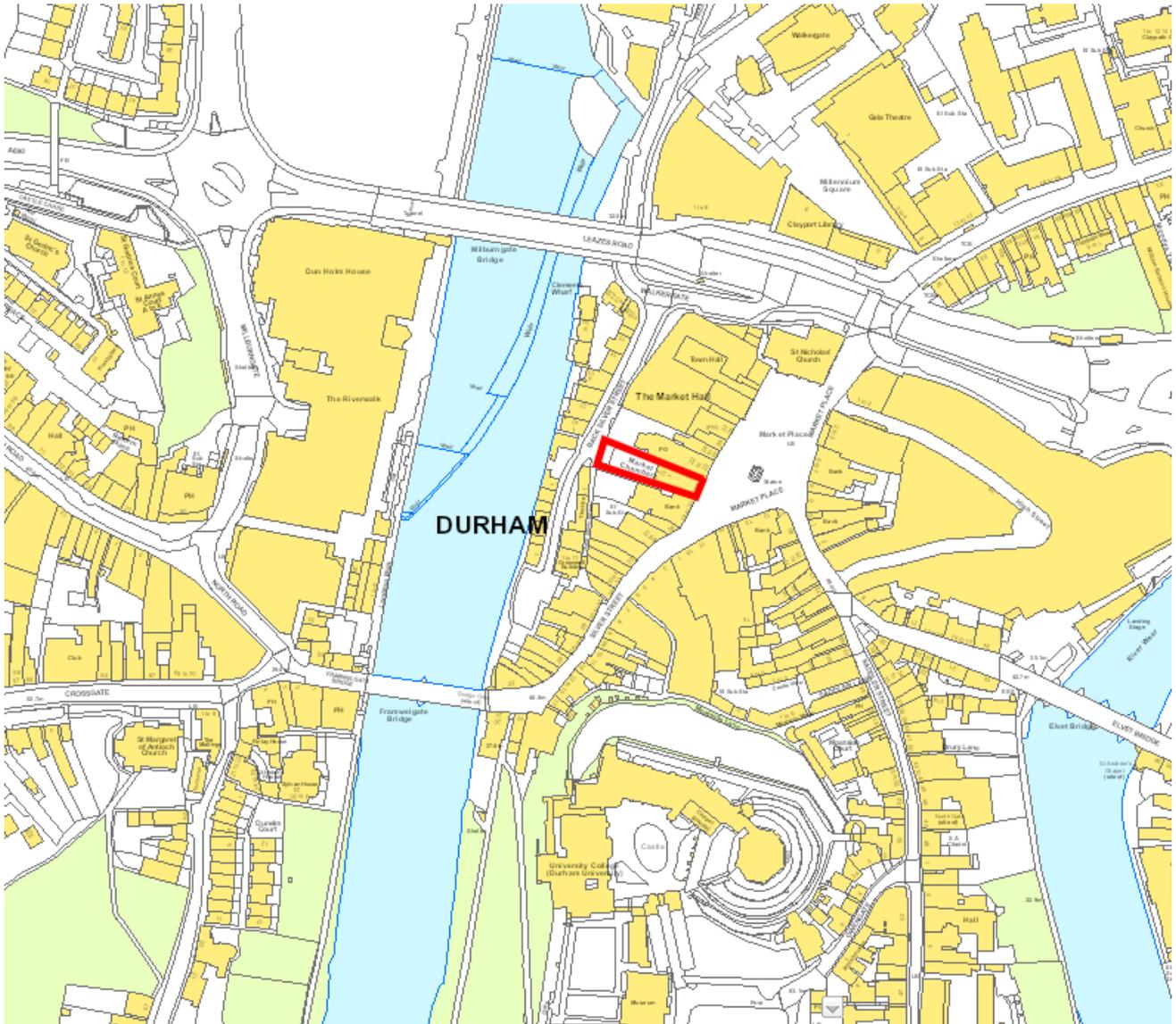
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

21 Market Place
 Durham
 DH1 3NJ

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date

24th September 2020

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01580/FPA
FULL APPLICATION DESCRIPTION:	Erection of one detached 3-bed bungalow (resubmission)
NAME OF APPLICANT:	Mr Tony Richardson
ADDRESS:	Land to the south of Culloden Terrace Grants Houses
ELECTORAL DIVISION:	Horden
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is currently a grassed field located south of the existing settlement of Grants Houses. The site measures just over 1570 square metres and is surrounded by 1.6-1.8 metres high close boarded timber fencing.
2. The site is adjacent to terraced housing, Culloden Terrace and Springfield Terrace, to the north and north east, and open countryside to the east, south and south west. The area of land to the west is owned by the applicant and consists of an enclosed compound area that currently hosts a range of buildings associated with the keeping of animals for the private enjoyment of the applicant. The compound measures approximately 2700 square metres, and the buildings at this site consist of stables, an aviary, agricultural style storage buildings, greenhouse and a static caravan, the latter granted permission in February of this year, (under planning permission reference DM/19/02973/FPA).
3. Access to the site would be gained through this compound area, which itself is accessed via a short length of private track, some 110 metres, leading to an unclassified adopted highway, known as Sunderland Road West. This same adopted highway provides access to all the terraces on this side of Grants houses.

The Proposal

4. The application seeks permission to erect a single storey L shaped 3 bed dwelling just west of central within the site. It would be orientated with east elevation providing the frontage of the dwelling and the rear elevation facing west towards the compound area and access to the site. Two parking spaces would also be provided at this western side. The property would be finished in facing brick with concrete roof tiles. The existing boundary fence would be retained, although the southern boundary would be realigned to take in a section of the adjacent field, adding some 215 square metres to the size of the field. It would be located 11 metres south of the curtilage of nearest dwelling no. 13 Culloden Terrace.
5. The application is being reported to Planning Committee at the request of the local ward member, on the grounds of sustainability.

PLANNING HISTORY

6. Planning history:

A similar application for this site was submitted but withdrawn in December 2019.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 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.
10. *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.

11. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. *Developments* that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 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.
15. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *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.

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

18. 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; air quality; historic environment; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

District of Easington Local Plan (2001)

19. *Policy 1- General Principles of Development:* Due regard will be given to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
20. *Policy 3 – Protection of the Countryside:* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
21. *Policy 18 – Species and habitat protection:* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
22. *Policy 35 – Design and layout of development:* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
23. *Policy 36 – Design for access and the means of travel:* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37 – Design for Parking:* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. *Policy 67 – Windfall Housing sites:* Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
26. *Residential Amenity Design Standards SPD –* In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts.

EMERGING PLAN:

The County Durham Plan

27. 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 Examination in Public (EiP) of the County Durham Plan (CDP) has now been completed following receipt of the Inspectors final report on 17th September 2020. This report confirms that the CDP is sound subject to Main Modifications being made and can progress to adoption. Therefore, as the CDP is at an advanced stage of preparation and will be adopted in due course, it is considered that it should be afforded significant weight in the decision-making process. Relevant policies include:
28. Policy 6 – Development on unallocated sites - development on sites not allocated in the Plan or Neighbourhood Plan but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological etc. value; is appropriate in scale, design etc to character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement’s valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration
29. Policy 10 – Development in the Countryside – will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside. Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.
30. Policy 21 (Formerly Policy 22 in pre-submission draft) Delivering Sustainable Transport - – requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
31. Policy 29 (Formerly Policy 30 in pre-submission draft) Sustainable Design – requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

32. Policy 31 (Formerly Policy 32 in pre-submission draft) Amenity and Pollution - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as ensuring light pollution is minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
33. Policy 39 (Formerly Policy 40 in pre-submission draft) Landscape - States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals expected to incorporate appropriate mitigation measures for where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
34. Policy 40 (Formerly Policy 41 in pre-submission draft) Trees, Woodlands and Hedges - Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reason and appropriate compensation.
35. Policy 43 (Formerly Policy 44 in pre-submission draft) Protected Species and Nationally and Locally Protected Sites - development proposals that would adversely impact upon nationally and locally protected sites will only be permitted where the benefits clearly outweigh the impacts on the interest features of the site and any wider impacts on network of sites. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://www.durham.gov.uk/article/3269/Easington-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* – comments that sufficient parking is provided for the dwelling. Queries were raised regarding the access to the site, given that an adopted lit highway exists to the north of the site between two lines of terraces, but it was determined that access via the private track to the west was acceptable. The applicant was requested to demonstrate the location of a bin collection area.

37. *Northumbrian Water* – comments that the developer should develop their surface water drainage solution by working through a priority of suitable sustainable surface water management. An informative would be included as part of any planning permission.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – comments the development falls outside the settlement limits and would be considered against saved policy 3 of the Easington Local Development Plan. However significant material weight should also be given to the policies associated with the emerging County Durham Plan.

39. *Ecology* – confirm the financial contribution for this development is £756.61 and should be secured through a Section 106 Agreement or Unilateral Undertaking.

The proposed development is likely to result in a net loss of biodiversity as the pasture grassland habitat within the boundary of development is likely to be lost. Mitigation is required for the development to meet the biodiversity requirements of the NPPF and achieve ecological net gain.

40. *Environment, Health and Consumer Protection (Contaminated Land)* – A full pre commencement planning condition for land contamination should be applied if planning permission is granted.
41. *Environment, Health and Consumer Protection (Nuisance Action Team)* – raise no concerns regarding the development but recommend control be applied to any permission granted in relation to construction hours.
42. *Archaeology* – comment that this area is within the area of a World War II camp, remains of which may survive. Accordingly this development should have a Watching Brief during development to record any remains encountered, and this could be secured by pre commencement conditions.

PUBLIC RESPONSES:

43. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. Six letters of support have been received, commenting as follows:
- Consider proposals making good use of land
 - Pleased with the efforts the applicant has made with the land and agrees with the addition of a bungalow on it.
 - The development will be a nice addition to a barren field and will add security at this part of Grants Houses

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

APPLICANTS STATEMENT:

44. The proposal seeks planning permission for the erection of a single detached bungalow on land to the south of Culloden Terrace, Grants Houses. The development site lies in close proximity to the main town of Peterlee/Horden and the local service centre of Easington. These areas contain a good array of services ensuring that these settlements are self-sustaining and all are within easy reach of the proposed development site, either on foot or by public transport. Given the links to existing shops and services, and the fact that the site is well served by public transport, it is considered to be sustainable in terms of location.

45. The proposed dwelling plans have been amended to ensure that Residential Amenity Standards are met. The site also has sufficient private amenity space and we feel the development would not impact adversely upon Residential Amenity.
46. The proposed dwelling would reflect the scale and character of adjacent buildings and the area generally. The bungalow would not present an elevation onto the B1283 and would not, therefore, affect the street scene or be viewed as an incongruent addition by reason of it's scale, design, position and materials.
47. We consider the proposed bungalow to be acceptable in principle being situated in a sustainable location and could be satisfactorily accommodated within the site by virtue of it's design, mass, scale, layout and materials.
48. We also consider that it would not have any adverse impact upon the character and appearance of the surrounding area, residential amenity, drainage, highway safety or land contamination.
49. Finally, we would confirm that local residents and the wider community are very supportive of the proposals and what has been achieved so far on the adjacent smallholding, which is evidenced by the positive representations that have been submitted.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be given to the development plan and decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within 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.
51. The main planning issues for determining the acceptability of the proposal relate to: the principle of the development of a dwelling in this location, impact on the character and appearance of the area, residential amenity, highway safety and access, ecology and other issues.

The Principle of the Development

52. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington Local Plan (ELP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However it should be noted that the emerging County Durham Plan (CDP) is at an advanced stage of preparation and can now be afforded significant weight but is not adopted at this stage and therefore not the statutory development plan.
53. The ELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Paragraph 213 also sets out that due weight should be given to existing policies, 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).

54. On this basis, given the age of the local plan and the housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out-of-date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at paragraph 213 of the NPPF.
55. Saved policy 3 of the local plan defines settlement limits and states that development outside of settlement limits will be regarded as development within the countryside and that other than specifically allowed for by other policies, development in the countryside will not be approved. However, the out of date evidence base which underpins this policy and the application of settlement limits means that it must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight.
56. The housing policies in the emerging County Durham Plan are based on an up to date objectively assessed need that aligns with the Government's standard methodology as prescribed in paragraphs 73 of the NPPF and national planning guidance. The policies therefore carry significant weight in the consideration of this application. The site is identified as being located just beyond the settlement limits of Grants Houses and would therefore be classified as development in the countryside. Whilst emerging Policy 10 deals specifically with development in the countryside, in this case, emerging Policy 6 would also be of relevance, as this policy relates to development of sites not allocated in the Plan which can be either within the built-up area or outside the built up area but well related to a settlement. Significant weight can be applied to these policies as part of the decision making process, but it must be noted that they are still not formally adopted.
57. Consequently, as noted within Paragraph 11c of the NPPF, there is no adopted up to date plan, meaning the development must be determined against Paragraph 11d. This states:
- where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
58. Having regard to the above, the adopted local plan is out of date and the emerging County Durham Plan is not sufficiently far advanced to remove the need to apply paragraph 11 in this case. However the relevant policies will carry material weight as part of the overall planning balance.

Five year Housing Land Supply

59. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

60. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
61. On this basis, the addition of 1 new dwelling to meet housing needs would not be considered a significant benefit weighing in favour of the proposal.

Locational Sustainability

62. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Emerging policies 6 and 10 reflects this also, stating that new development in the countryside must not be solely reliant upon unsustainable modes of transport.
63. The application site is located just beyond the clear defined edge of the nearest settlement of Grants Houses. This settlement is noted as providing no local services, such as shops, schools or medical services. Any future resident at this property would be required to travel outside the settlement to gain access to any of these services. In this case, Easington Colliery would be the closest, with nearest shops and doctors surgery located 1.3 kilometres away, although it should be noted that available shops in this location are very local in nature with limited choice, and would necessitate travelling further afield to Horden or Peterlee, 2.7 kilometres away. The nearest school to the site is Our Lady Star of the Sea Primary to the north of Horden, 1.4 kilometres from the application site.
64. A local bus service passes through the settlement linking Easington Village to Peterlee, as well as a separate service linking Sunderland to Hartlepool. Both of these services are half hourly, but finish by 6 pm and no Sunday service was evident from timetables relating to these bus routes.
65. Overall, the settlement itself does not present as a sustainable location, given the lack of services available, but the public bus service passing by the settlement does provide an alternative sustainable mode of transport, that reduces complete reliance on the private car and is reasonably regular. In this regard, the application site does have some very limited sustainability merits, which will provide some weight in the planning balance as part of the paragraph 11 assessment of the NPPF.

Accordance with Emerging Local Plan Policies

66. Emerging policies in the County Durham Plan must now be given significant weight in the decision making process. As they are not formally adopted, consideration of these policies forms part of the planning balance assessment associated with paragraph 11 of the NPPF.

67. As already noted, emerging Policies 6 and 10 would be of relevance. In terms of policy 6, this policy relates to development of sites not allocated in the Plan which can be either within the built-up area or outside the built up area but well related to a settlement. In determining whether a site is well related to a settlement, the physical and visual relationship of the site to the existing built up area of the settlement will be a key consideration. The policy seeks to ensure that new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses. New development is expected to not contribute to coalescence with neighbouring settlements or result in ribbon development.
68. In consideration of these details, the proposed location of the dwelling sits close to adjacent residential uses, however, visually it clearly breaks the defined hard edge associated with the settlement and reads as a direct encroachment into the countryside. Visually it would sit separate to, and at odds with, the tight ordered rows of terraces that make up the majority of this part of Grants Houses, particularly as the proposed would sit as a large detached dwelling within a notably large curtilage. It is considered that this would detract from the existing form and character of the settlement, by allowing the urban form to intrude into what is clearly an open countryside green field site, that expressly provides the rural setting for this hamlet.
69. In this regard the proposal is not considered to fall within the parameters that allows this site to be considered favourably against policy 6. In which case policy 10 can be considered in terms of whether it provides the framework for determining whether or not this development is suitable in this location. This policy states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. Provision for development of a residential dwelling as part of this policy would only be acceptable if an existing building was proposed to be converted or it related to the replacement of an existing dwelling at the site. It is clear that the proposals cannot meet either of these provisions, nor is it required as a permanent rural workers dwelling required to be located adjacent to their place of work as allowed for under policy 12. On this basis, the proposal finds no policy support in the emerging County Durham Plan. This carries significant weight in the final assessment as part of the overall planning balance.

Impact on character and appearance of surrounding area

70. Policy 35 of the ELP requires that development should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style and detailed design and materials. In addition development should provide adequate open space, appropriate landscape features and screening where required. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Local plan policy 35 is considered to comply with NPPF requirements and as such significant weight can be afforded to this policy.
71. Emerging CDP Policy 29 Sustainable Design requires all development proposals to achieve well designed buildings and places and contribute positively to an area's character, identity, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

72. The application proposes the erection of a bungalow centrally within a large 1570 square metres curtilage. The bungalow would measure 17.75 metres long in a north south direction with a maximum width of 11.6 metres and a roof height of approximately 5.8 metres. The topography of the surrounding land is such that the application site is visible in the wider locality being elevated above surrounding land to the south and west, as well as Sunderland Road to the east.
73. The dwelling would be positioned in a location detached from the existing residential framework of housing within the hamlet. Although the height of the property mirrors adjacent terraces, its separation from these terraces along with its expansive footprint would read as an intrusive form of development in the countryside. Occupying a prominent location visible in the wider locale, the proposed dwelling sitting in isolation would be viewed as an incongruous addition to the existing landscape, which would have a suburbanising effect through introduction of various householder paraphernalia within the wider garden curtilage area. The proposed dwelling in this location is therefore viewed as detrimental to visual amenity, unacceptably harming the intrinsic character of the countryside in this location. The proposal is deemed to conflict with saved policy 35, emerging policy 29 and paragraph 127 of the NPPF in this regard.

Residential Amenity

74. ELP Policy 35 states that planning permission will be required to have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This policy is considered consistent with Parts 12 and 15 of the NPPF, which require that a high standard of amenity for existing and future users be ensured. In addition the Council has also adopted the Residential Amenity Standards supplementary planning document (SPD) providing guidelines on amenity distance standards. Accordingly, full weight is to be afforded to these policies.
75. Emerging policy 31 relating to Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.
76. The proposed bungalow would be located 16 metres directly south of nearest residential bungalow no. 13 Culloden Terrace. The south facing elevation of this dwelling contains windows serving habitable rooms. The north facing elevation of the proposed dwelling originally had two windows on this side, one serving a bathroom and the second serving one of the bedrooms. With the facing distance between these two windows falling short of requirements set out in the Residential Amenity Standards which requires an 18 metres distance between habitable windows in bungalows, the applicant was requested to remove the bedroom window, noting that this same room benefited from an additional window on the west elevation. This has now been undertaken and complies with distance standards for windows facing gable walls with no habitable windows, which requires a 10 metres distance.
77. Overall the arrangements with regard to privacy, residential amenity and amenity space are acceptable and adequate distancing standards are achieved in line with saved policy 35 of the local plan and the SPD.

78. The adjacent land use, under the control and ownership of the applicant, has the potential to raise issues of noise and odour for future residents if the property was sold on, given the use of the adjacent land for keeping of animals, albeit on a hobby basis. Any grant of approval therefore would have to be on the basis of a restrictive occupancy tying the occupation of the dwelling with adjacent use of the land in order to comply with relevant policy protecting residential amenities as detailed in saved policy 35 of the local plan and emerging policy 31 of the CDP.

Highway Safety and Access

79. Policy 36 of the ELP requires that new development provide safe and adequate access capable of serving the amount and nature of traffic to be generated and is considered consistent with paragraph 108 of the NPPF in respect of achieving safe and suitable site access. Therefore, significant weight can be afforded to it.
80. Emerging Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated. Development is to have regard to Parking and Accessibility Supplementary Planning Document.
81. The application proposes the use of the existing access to the compound area west of the application site. This access track is well established and it is not considered that the introduction of a single dwelling would add substantially to existing traffic in this area or impact negatively on highway safety. On site, sufficient parking is available as required by parking standards. The applicant has also indicated a bin pick up point to the north of the site, on the rear lane between Culloden Terrace and Springfield Terrace. Highways have assessed the details and raise no issues or objections. The proposals accord with saved policy 36 of the local plan and emerging policy 21 of the CDP in this regard.

Ecology

82. As the application site is in close proximity to the Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area, the applicant is required to provide a financial contribution towards the upkeep and management of these designations of significant importance. The applicant has agreed to provide the contribution of £756.61 in line with the Council's 'Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham. This contribution would be secured through a section 106 agreement.
83. Further to this requirement, part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and where possible, improve them. Ecology officers have assessed the proposals and consider that the development is likely to result in a net loss of biodiversity as the pasture grassland habitat within the boundary of the development would be lost. Mitigation is required for the development to meet the biodiversity requirements set out in the NPPF and achieve ecological net gain.
84. A report was submitted undertaking a biodiversity calculation at the site and noted that there would be a net gain attributed to the development as a result of proposed planting. Ecology assessed the details and agreed with the findings, requesting a condition be attached, should permission be granted, for a management plan for the wildlife habitats for a minimum of 30 years and to include an element of monitoring.

Other issues

85. Contaminated land section assessed the details submitted in support of the application. They considered that there is a potential for made ground and contamination and given the proposal is a change of use to a more sensitive receptor a full pre commencement condition in relation to land contamination should apply should planning permission be granted.
86. Archaeology section identified that there is a likelihood of remains surviving associated with a World War II camp in the area. As a result a further pre commencement condition is required seeking provision of details of a written scheme of investigation setting out a programme of archaeological works.

Planning Balance

87. As the relevant policies of the Easington Local Plan are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged. As part of the assessment, substantial weight must also be applied to the relevant emerging policies in the County Durham Plan and the extent to which the proposal aligns or conflicts with these policies. A summary of the benefits and adverse impacts of the proposal are considered below:

Benefits

88. The development would provide some limited benefit in terms of a boost to housing supply although this benefit is considered severely limited at one dwelling in the context of the Council's ability to demonstrate in excess of 5 years housing land supply.
89. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary minor economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some very limited weight in the context of one dwelling.
90. The site has been demonstrated to have some limited sustainability merits in terms of access to regular bus services from the site.

Adverse Impacts

91. The development would have significant adverse visual and landscape effects. In particular, it is considered that the development would detract from the existing form and character of the settlement, by allowing the urban form to intrude into and erode the open space at the edge of the settlement, and would thus result in an unacceptable level of encroachment into the open countryside. The proposal would present as an incongruous form of development, given the scale of the property and curtilage, and would create a suburbanising effect in this location, unacceptably harming the intrinsic character of the countryside, to the detriment of the visual amenities of the area. The proposals would be contrary to saved policies 1 and 35 of the Easington Local Plan, emerging policy 29 of the CDP and paragraph 127 of the NPPF.
92. The erection of a dwelling in this location does not meet the policy requirements or exceptions as noted within the emerging County Durham Plan in relation to housing outside built up areas and within the countryside. The proposal therefore conflicts with emerging policies in relation to suitable location for residential development.

CONCLUSION

93. On balance, in applying the requirements of paragraph 11 of the NPPF it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, the development, by reason of its isolated position, detached from the existing form of development, would detract from the form and character of the existing settlement, whilst also eroding the open countryside area and wider landscape setting, to the detriment of visual amenity contrary to policies 3 and 35 of the Easington District Local Plan and paragraph 127 of the NPPF and emerging policies 6 and 10 of the County Durham Plan.
94. The proposal has generated some public interest with letters of support from a small number of neighbouring residents. Whilst these are noted, they do not override the material planning grounds that warrant a refusal in this case.

RECOMMENDATION

That the application be REFUSED, for the following reason:

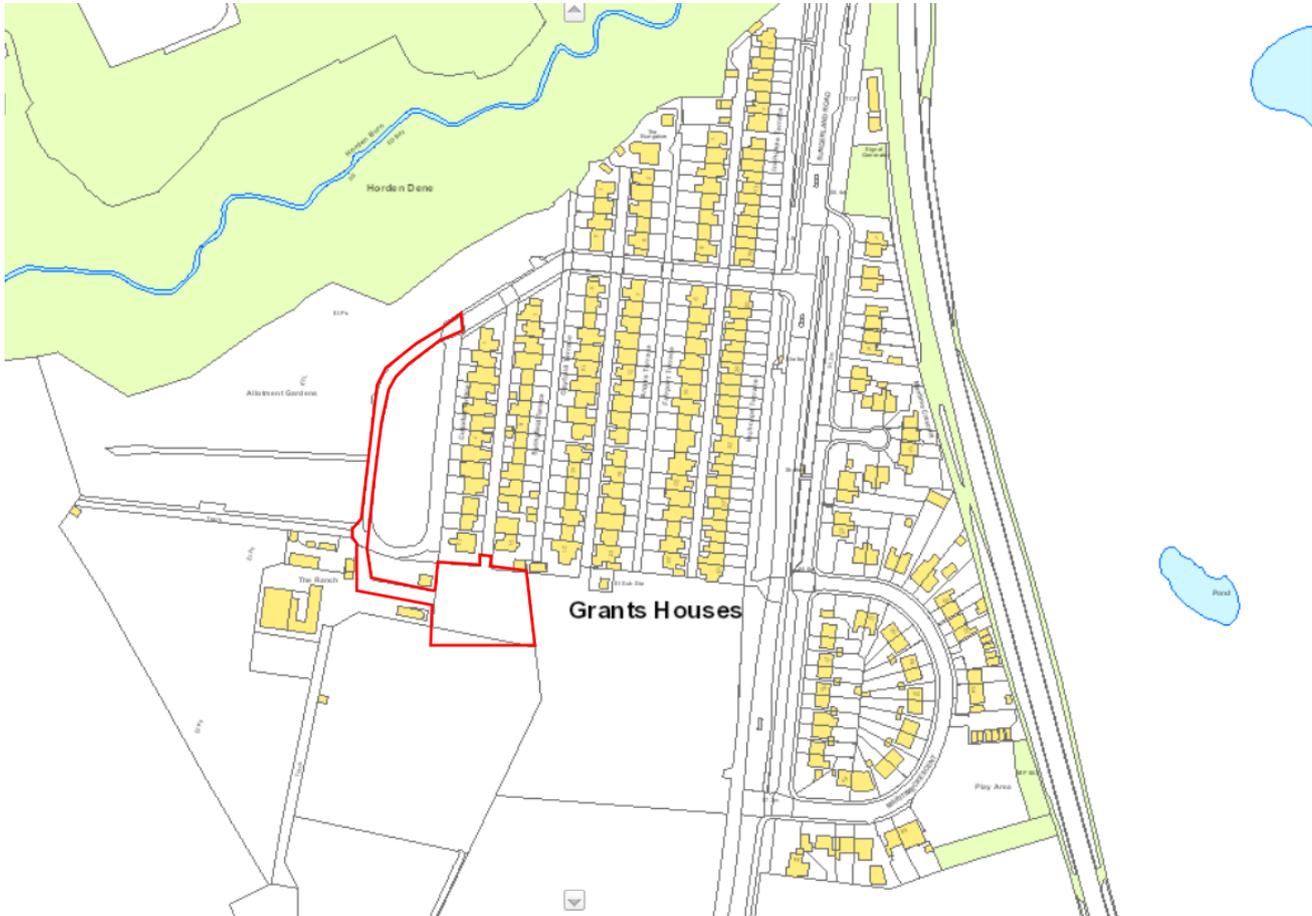
1. In applying the requirements of paragraph 11 of the NPPF the adverse impacts of the proposal to erect a dwelling at the site would significantly and demonstrably outweigh the benefits. In particular, the development, by reason of its position detached and separate from the existing form of development, would detract from the form and character of the existing settlement, whilst also eroding the open countryside area and wider landscape setting, to the detriment of visual amenity contrary to policies 3 and 35 of the Easington District Local Plan and paragraph 127 of the NPPF and emerging policies 6 and 10 of the County Durham 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 in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Easington Local Plan
- County Durham Plan
- Residential Amenity Standards 2020
- Statutory, internal and public consultation response



 <p>Planning Services</p>	<p>Erection of one detached 3-bed bungalow (resubmission)</p> <p>Land to the south of Culloden Terrace Grants Houses</p> <p>Ref: DM/20/01580/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 13 October 2020</p>	<p>Scale Not to Scale</p>



COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/02018/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing garage buildings (or demolished and replaced with) to a single dwelling covering the existing footprint and an extension to the east
NAME OF APPLICANT:	Mr Alan Gray
ADDRESS:	Land east of Saanen Lodge Haswell DH6 2EE
ELECTORAL DIVISION:	Shotton and South Hetton
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located amongst a dispersed grouping of five dwellings within the open countryside between the settlements of Haswell Plough to the south east and Haswell to the north east. The site currently contains a detached garage building located next to and associated with the dwelling 'Saanen Lodge'. The garage is a relatively large, single storey, double gabled frontage stone and slate building, providing large garage space and workshop with one side of the building providing upper floor access within the roof space. To its east is a dense area of woodland protected under a Tree Preservation Order, with open fields to the north and south, and Saanen Lodge to the west.
2. Two tracks lead to the site, both accessed off the main link road, Durham Lane North, between Haswell Plough and Haswell. The eastern track is gravelled and forms part of a Public Right of Way and provides access to five different properties, including Saanen Lodge, associated with the application site. The western track provides access to Saanen Lodge and the garage site and a grouping of agricultural buildings.

The Proposal

3. The application seeks permission to convert the existing garage (or alternatively demolish and replace) to create a new detached 5-bed dwelling house over two storeys. The property would have double gable frontage, but details on materials have been unspecified apart from reference to plain style roof tiles. The garden curtilage for the proposed property would extend north and east to one of the access tracks leading to the site and would encompass the TPO woodland area. A parking area has been annotated to the south of the dwelling.
4. The application is being reported to Planning Committee at the request of the local ward member, on the grounds of sustainability.

PLANNING HISTORY

5. Planning history:

No relevant planning history at the application site:

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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 the 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 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 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.
14. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *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.

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

17. 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; air quality; historic environment; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

District of Easington Local Plan (2001)

18. *Policy 1- General Principles of Development:* Due regard will be given to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
19. *Policy 3 – Protection of the Countryside:* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
20. *Policy 18 – Species and habitat protection:* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
21. *Policy 35 – Design and layout of development:* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
22. *Policy 36 – Design for access and the means of travel:* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
23. *Policy 37 – Design for Parking:* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
24. *Policy 67 – Windfall Housing sites:* Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
25. *Residential Amenity Design Standards SPD* – In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts.

EMERGING PLAN:

The County Durham Plan

26. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The Examination in Public (EiP) of the County Durham Plan (CDP) has now been completed following receipt of the Inspectors final report on 17th September 2020. This report confirms that the CDP is sound subject to Main Modifications being made and can progress to adoption. Therefore, as the CDP is at an advanced stage of preparation and will be adopted in due course, it is considered that it should be afforded significant weight in the decision-making process. Relevant policies include:
27. Policy 6 – Development on unallocated sites - development on sites not allocated in the Plan or Neighbourhood Plan but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological etc. value; is appropriate in scale, design etc to character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration
28. Policy 10 – Development in the Countryside – will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside. Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.
29. Policy 21 (Formerly Policy 22 in pre-submission draft) Delivering Sustainable Transport - – requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
30. Policy 29 (Formerly Policy 30 in pre-submission draft) – Sustainable Design – requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

31. Policy 31 (Formerly Policy 32 in pre-submission draft)- Amenity and Pollution - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as ensuring light pollution is minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
32. Policy 39 (Formerly Policy 40 in pre-submission draft)- Landscape - States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals expected to incorporate appropriate mitigation measures for where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
33. Policy 40 (Formerly Policy 41 in pre-submission draft) – Trees, Woodlands and Hedges - Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reason and appropriate compensation.
34. Policy 43 (Formerly Policy 44 in pre-submission draft) – Protected Species and Nationally and Locally Protected Sites - development proposals that would adversely impact upon nationally and locally protected sites will only be permitted where the benefits clearly outweigh the impacts on the interest features of the site and any wider impacts on network of sites. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<http://www.durham.gov.uk/article/3269/Easington-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* – comments that sufficient parking is provided for the dwelling. They note that the access to the north follows a PROW and will be used as a means of access to the dwelling. The access at the point of the highway is in very poor condition and needs to be upgraded or re surfaced to highway standards. It has been requested that a condition be applied to ensure these works are done prior to occupation. They also request a shared bin storage area, conveniently located for refuse collection purposes no further than 25 metres from the public highway. They also request an informative to ensure works appropriate undertaken in line with Section 184 of the Highways Act. Subject to condition no objection from a highways perspective.

36. *Northumbrian Water* – comments that the developer should develop their surface water drainage solution by working through a priority of suitable sustainable surface water management. An informative would be included as part of any planning permission.

INTERNAL CONSULTEE RESPONSES:

37. *Spatial Policy* – comments the development should be considered in light of the policies associated with the emerging County Durham Plan.
38. *Trees Section* - comment that there is some proposed tree removal, but providing the tree protection measures are applied and followed for the duration of any construction, there will be minimal arboricultural conflict.
39. *Ecology* – confirm that the supplied Ecological report by JBA Consulting is sufficient to inform the application and no further survey is required. Should the application be approved it has been recommended that Section 4 (Recommendations) of the report be conditioned.

The Bat report by JBA Consulting details the results of bat activity surveys undertaken on the site. Three bat roosts used by common Pipistrelle and Brown long-eared bats were recorded therefore a European Protected Species Licence is required for the development to proceed. Section 5 of the Bat Report would need to be conditioned should approval be granted.

40. *Environment, Health and Consumer Protection (Contaminated Land)* – No requirement for a land contamination condition. They recommend an informative relating to unforeseen contamination.
41. *Environment, Health and Consumer Protection (Nuisance Action Team)* – comment that the proposed development is noise and odour sensitive. It is located in a rural/residential area where there are no significant sources of noise or odour. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact and it is not expected to cause a statutory nuisance.
42. *Archaeology* – comment that the proposed development is unlikely to have a significant impact on any below-ground heritage assets therefore there is no objection on archaeological grounds.
43. *Public Rights of Way* – comment that the access road to the application site is partly via Public Right of Way Haswell Fp10, further stating that the Rights of Way team will only provide maintenance for the surface of the footpath up to the standard necessary for pedestrians only. Maintenance for any vehicular use lies with those with vehicular rights. PROW section support Highway's request that part of the access track is upgraded to adoptable standard.

PUBLIC RESPONSES:

44. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. Four letters of support have been received, commenting as follows:
- Notes that development is well planned and will add to the small community of dwellings in this location. Property is well presented with stylish design.

- Owner of pharmacist welcomes any new developments in area from business viewpoint.
- Welcomes development bringing legitimate building and investment back into the village rather than backdoor methods of caravans on land between Haswell and Shotton.
- Considers although away from centre of the village, site is close to community centre, public transport access and full street lighting to the property.
- Haswell needs some development and investment. Village is central to commuting on public transport to Durham, Sunderland etc. Sufficient services within walking distance. Development is key to the village's future.

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

APPLICANTS STATEMENT:

45. The application seeks planning permission for one bungalow, which covers the footprint of the redundant existing garages on the site plus an extension to the east. The existing structures are substantial in size as they contain two double garages with steep pitched roofs; making them comparable in terms of mass and height to the adjacent host bungalow. Site photographs are presented in the Planning Statement supporting the application. These and the statement clearly demonstrate that the site is not isolated from surrounding dwellings and forms part of a grouping of residential buildings.

There is a range of services and facilities in Haswell to meet the daily needs of future occupants of the new home and are a relatively short walking and cycling distance from the site at approximately 0.5 km over comparatively flat terrain. Safe and convenient access on foot and by bike to services and facilities is possible not only due to the lit and tarmacked footpaths connecting the site to Haswell, but also the fact that Church Lane is not heavily trafficked. Accessibility to a wider range of services and facilities in larger towns such as Peterlee, Hartlepool and Durham City are also made possible by the no. 24 Arriva North East Bus services which stop within 0.2 km of the application site. Sustainable transport options are therefore available and so accessibility of the site to local services and facilities would not be solely dependent upon the private car. There has also been a recent appeal on a site in Esperley near Cockfield which was allowed on 22 September 2020. The Inspector recognised the convenient and easy access to the services and facilities in Cockfield from the appeal site however it must be noted that the Esperley site was 1km away from Cockfield (double the distance of this site to Haswell). In allowing the appeal, the Inspector considered that the site had access to regular services from 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. The Planning Statement provides further detail of the locational sustainability of the application site which includes other relevant cases that provide support to this proposal.

It is recognised that there have been multiple new residential schemes approved within the vicinity of the site and Haswell, some of which are at a greater distance from services and facilities than the application site. Yet the planning history of these sites demonstrates that the Council approved them on the basis the new homes would be in a sustainable location.

The site benefits from two established access roads from Church Street and there is sufficient space for parking in the curtilage of the new dwelling. The application is supported by detailed ecological and arboricultural assessments. Overall, it can be demonstrated that the design of the proposed dwelling and its layout, as detailed in the supporting plans, have been informed by the key findings of these site surveys. Local residents were consulted on the proposed development and have sent letters of support to the planning department for the development. No objections have been received. It is understood that the Final Report from the Inspector on the County Durham Plan was received recently concluding the Plan is sound with proposed modifications. As such, the policies within the emerging County Durham Plan are attributed weight in the decision-making process. The provisions in Policy 10 relating to conversion of existing buildings in the countryside could therefore provide a legitimate fallback position for the applicant which has been acknowledged by the case officer. However, it is considered that the current proposal would offer a greater opportunity to create a high-quality dwelling rather than pursuing the conversion and extension of the existing garages in accordance with Policy 10.

In summary, the proposed development would not be an isolated dwelling as it would be adjacent to existing properties on the edge of Haswell. The site is also well connected to existing services and facilities in Haswell and the nearby settlements of South Hetton and Shotton Colliery, with regularly serviced bus stops also located nearby providing access to a greater range of services, facilities, employment and retail/ leisure opportunities. The proposed development provides an opportunity to create a high-quality dwelling which can be easily accommodated on the site. Overall, it is clear that the proposed development would be located within a sustainable location and it is respectfully requested approval is given by Members.

PLANNING CONSIDERATIONS AND ASSESSMENT

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be given to the development plan and decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within 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.
47. The main planning issues for determining the acceptability of the proposal relate to: the principle of the development of a dwelling in this location, impact on the character and appearance of the area, residential amenity, highway safety and access and impact on European Protected Species.

The Principle of the Development

48. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington Local Plan (ELP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However it should be noted that the emerging County Durham Plan (CDP) is at an advanced stage of preparation and can now be afforded significant weight but is not adopted at this stage and therefore not the statutory development plan.
49. The ELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Paragraph 213 also sets out that due weight should be given to existing policies, 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).

50. On this basis, given the age of the local plan and the housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out-of-date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at paragraph 213 of the NPPF.
51. Saved policy 3 of the local plan defines settlement limits and states that development outside of settlement limits will be regarded as development within the countryside and that other than specifically allowed for by other policies, development in the countryside will not be approved. However, the out of date evidence base which underpins this policy and the application of settlement limits means that it must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight. Policy 68 of the local plan relates to housing development in the countryside and states that housing development in the countryside will not be approved. However, this policy was not saved, now considered expired and cannot be afforded weight in determination of this planning application.
52. The housing policies in the emerging County Durham Plan are based on an up to date objectively assessed need that aligns with the Government's standard methodology as prescribed in paragraph 73 of the NPPF and national planning guidance. The policies therefore carry significant weight in the consideration of this application. The site is identified as being located beyond the settlement limits of Haswell and Haswell Plough and would therefore be classified as development in the countryside. Policy 6 considers development on unallocated sites and Policy 10 relates to development in the countryside, stating that such development will not be permitted unless it relates to a number of exceptions. Significant weight can be applied to these policies as part of the decision making process, but it must be noted that it is still not formally adopted.
53. Consequently, as noted within Paragraph 11c of the NPPF, there is no adopted up to date plan, meaning the development must be determined against Paragraph 11d. This states:
- where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
54. Having regard to the above, the adopted local plan is out of date and the emerging County Durham Plan is not sufficiently far advanced to remove the need to apply paragraph 11 in this case. However the relevant policies will carry material weight as part of the overall planning balance.

Five year Housing Land Supply

55. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

56. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
57. On this basis, the addition of 1 new dwelling to meet housing needs would not be considered a significant benefit weighing in favour of the proposal.

Locational Sustainability

58. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Emerging policies 6 and 10 reflect this also, stating that new development in the countryside must not be solely reliant upon unsustainable modes of transport.
59. The application site is located within open countryside outside the clear defined edge of the nearest settlements of Haswell and Haswell Plough. Distances to the settlement edge are 400m and 700m respectively. Haswell scores a modest 20.9 in the 2018 Settlement Study of County Durham. This score reflects its status as a medium sized village with a small number of services, which include a small local shop with post office, doctor's surgery, pharmacy, take away, primary school, church and community centre. The settlement also has a regular half hourly bus service Monday to Saturday and hourly on Sundays connecting to Durham and Hartlepool. From the application site, there is a distance of 420m to the nearest bus stop and 720m to the local shop. Haswell Plough attains a score of 5.7 within the same study, having far less services, but benefiting from a pub/restaurant and hotel and the same bus service passing through. The restaurant is some 850 metres from the application site.
60. Based on this assessment, it is clear that Haswell is reasonably well served by services, and the distances involved to reach these from the application site are reasonable, particularly as a lit footpath exists along Durham Lane North. However the settlement could not meet all daily needs given the size of the local shop, and access to employment sites would require travel out of the settlement but access to these could be gained by alternative more sustainable modes of transport. This is a material consideration within the planning balance to which weight can be applied in line with paragraph 11 of the NPPF.

Accordance with Emerging Local Plan Policies

61. Emerging policies in the County Durham Plan must now be given significant weight in the decision making process. As they are not formally adopted, consideration of these policies forms part of the planning balance assessment associated with paragraph 11 of the NPPF.

62. Policy 6 relates to development on unallocated sites, both within the built up area as well as outside the built up area, so long as it is well-related to the settlement. When assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. In consideration of the current proposal, it is clear that the site is physically and visually separate from the clear defined limits of development associated with Haswell and Haswell Plough. The layout of buildings and street pattern associated with the settlement shows a clear ordered structure that ends at the junction of Windsor Terrace and Church Street, adjacent to the Hazelwell Centre at Haswell and at the north end of Hessewell Crescent at Haswell Plough. Beyond these points, the character of the area is defined by green open land, with boundary treatments consisting of long linear hedgerow and low level post and rail fencing, characteristic of countryside areas. Additionally the pattern of development is clearly focussed on the eastern side of Durham Lane North, the small number of sporadic, isolated dwellings, on the west side clearly detached and removed from the defined built up settlement areas. Based on this assessment, the development site is deemed located within the open countryside and its determination under policy 6 not applicable.
63. As a result the proposal must be evaluated against policy 10 relating to development in the countryside. This policy states that development will not be permitted unless it relates to a number of exceptions. The main exception of relevance in this case is the development of existing buildings, whereby approval would be granted for the change of use of an existing building which already makes a positive contribution to the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations and results in an enhancement of the buildings immediate setting.
64. The application proposes to either convert or demolish and rebuild the existing garage into a substantial detached five bed dwelling. It should be noted that there is no policy support for demolition and rebuild, unless it relates to a replacement dwelling. In this case, the proposals are assessed in relation to the criteria associated with conversion of the existing garage building into a dwelling. However, the extent of the alterations to the garage would be significant, leaving no trace of how the original garage building would have originally appeared. At present the garage measures 122 sqm at ground floor level, with a further floorspace of approximately 20-30 sqm on the upper floor. The proposed house would have a ground floor footprint of 264 sqm, with a further 147 sqm on the first floor. The additional space would result in a dwelling that would be 7.27 metres to ridge height and 21 metres wide, compared to the garage building measuring 4.87 metres to ridge and 13 metres wide. The length of the proposed dwelling from front to back would also be a substantial increase from an existing 9.3 metres to a proposed maximum length of 17 metres.
65. Against this analysis it is clear that the proposed dwelling would not comply with the requirements set out in policy 10, which states that conversions should not result in substantial rebuilding or disproportionate extensions. Given that the existing garage building on site appears to be structurally sound and has some visual merit, being finished in stone and in keeping with the adjacent dwelling, there is scope for the conversion of this building to comply with the requirements of policy 10. However from assessing the proposals, it is clear that this is not achieved based on the current scale and design.
66. The proposals are therefore contrary to emerging policy 10 of the County Durham Plan and this carries significant weight in the planning balance.

Impact on character and appearance of surrounding area

67. Policy 35 of the ELP requires that development should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style and detailed design and materials. In addition development should provide adequate open space, appropriate landscape features and screening where required. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Local plan policy 35 is considered to comply with NPPF requirements and as such significant weight can be afforded to this policy.
68. Emerging CDP Policy 10 provides a number of general design principles associated with new development in the countryside, stating that by virtue of its siting, scale, design and operation, development must not give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated against. It further states that development must not result in the merging or coalescence of neighbouring settlement or contribute to ribbon development.
69. Landscape section provided comment on the area, noting that the surrounding landscape is predominantly grazed with small pockets of woodland and scattered isolated developments. Larger arable fields extend to the east and south east across the undulating landscape of the east Durham limestone plateau. No landscape related designations exist on or around the site, but the area is an adopted DCC landscape Improvement Priority Area where the policy is to enhance.
70. Much of the site is covered in trees that contribute to the character of the local landscape, and it is observed that amongst this setting, the existing garage and adjacent house are readily visible from the main road linking Haswell and Haswell Plough. As a single storey building the garage sits unobtrusively in its location and corresponds well with the adjacent single storey house it serves.
71. In terms of impacts of the conversion works on the appearance of the area, as already discussed, the proposed alterations would be substantial, and the effect would be to completely transform the appearance of this garage building and create a building of significant dominance in this location. The extent of the alterations are such that they would no longer relate well to the adjacent dwelling, and would create a perceived increase in density of development that would be unsuitable in this countryside location.
72. It is noted that some tree removal is proposed as part of the proposals, but the majority of the tree belt is to be retained, and there are no objections from tree section in this regard, subject to a condition for suitable tree protection measures.
73. The retention of the existing protected tree belt would provide a mitigating factor to the development by providing a useful backdrop and helping to lessen the impact of the new build to a degree. However, given the size and scale of the building it would nonetheless command a presence that would not accord with criteria set out in saved policy 35, which requires that development reflect the scale and character of adjacent buildings. There would also be conflict with the general principles of development set out in emerging policy 10 of the CDP as the scale and design of the conversion would give rise to unacceptable harm to the character of this part of the countryside through an increase in density of development akin to a form of ribbon development.

Residential Amenity

74. ELP Policy 35 states that planning permission will be required to have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This policy is considered consistent with Parts 12 and 15 of the NPPF, which require that a high standard of amenity for existing and future users be ensured. In addition the Council has also adopted the Residential Amenity Standards supplementary planning document providing guidelines on amenity distance standards. Accordingly, full weight is to be afforded to these policies. Part of emerging policy 10 also makes reference to the need for development to protect against adversely impacting upon residential or general amenity.
75. From reviewing the proposed site plan, as a conversion, the proposed dwelling would be located on the footprint of the existing garage, with extensions northwards and eastwards. This location sets it 7.8 metres from the nearest elevation of Saanen Lodge, which is noted as having a number of habitable windows on this side. With the proposed dwelling intended as two storeys, a blank side elevation would face this existing windowed elevation. The SPD requires distances of 13 metres between blank two storey gables and facing windows and it is clear that this could not be achieved. Whilst there could be some flexibility in terms of the distances, given the existing dwelling has historically had this relationship with the adjacent building, this could be better attained through provision of a single storey conversion of the garage, where distances of 11 metres are stipulated within the SPD between facing windows and blank gables.
76. As it stands however, the proposals do not accord with the requirements set out in the SPD and there is also conflict with saved policy 35 of the Local Plan and emerging policy 10 in the CDP.

Highway Safety and Access

77. Policy 36 of the ELP requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between housing and shopping facilities, school, public transport and places of employment where appropriate. This complies with NPPF policy which also seeks to ensure that a safe and suitable access can be achieved.
78. Emerging Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated. Development is to have regard to Parking and Accessibility Supplementary Planning Document.
79. As previously mentioned, two tracks lead to the site, both accessed off the main link road, Durham Lane North, between Haswell Plough and Haswell. The eastern track is gravelled and forms part of a Public Right of Way and provides access to five different properties, including Saanen Lodge, associated with the application site. The distance along this track from the adopted highways to the application site is just over 200 metres. The western track, measuring 139 metres, provides a more direct access route to Saanen Lodge and the adjacent garage, but also provides access to a small grouping of agricultural buildings to the south west of the site.

80. Highways assessed the proposals and raise no objections to the parking proposals as they are deemed sufficient for the size of dwelling proposed.
81. In terms of the access tracks, whilst no objection is raised to their use and both are deemed acceptable in terms of providing safe access onto the highway, there is concern raised that both points of access to the highway are in very poor condition and need upgrading / resurfacing to DCC highways standards. In addition, the shorter track would also require widening to 4.8 metres for the first 12 metres in length to ensure sufficient width to allow vehicles to fully pull off the highway safely, in the event of potentially meeting another vehicle seeking to exit the site. A condition can be applied requiring these details prior to occupation as part of any approval granted.
82. Public Rights of Way assessed the details and confirmed that PROW team would only provide maintenance for the footpath surface up to the necessary standard for pedestrians. Maintenance for vehicle use would lie with those with vehicular rights. They raise no objections to the proposals but comment that the PROW must not be blocked at any point and works to make good the path if damaged during construction works. An informative would be attached to any permission if granted outlining these requirements.
83. Overall, in highway terms, the proposals are considered to be broadly acceptable in accordance with ELP Policy 36 as well as Part 9 of the NPPF and emerging policy 21 of the CDP.

Ecology

84. Two surveys were submitted in support of the application, an Ecological Report and a separate Bat Report. Ecology section assessed the Ecological report and were satisfied with the findings therein, requesting a condition be applied to comply with the recommendations, should permission be granted.
85. The Bat report submitted by JBA Consulting, identified three bat roosts used by Common Pipistrelle and Brown long eared bats. LPAs have a legal duty to European Protected Species (EPS) when determining planning applications and must have regard to the Habitats Directive in the exercise of its functions. EPS, such as bats, are afforded the highest level of protection under the Habitats Directive. In assessing case law on this matter, the Supreme Court ruling associated with *R (Morge (FC)) v Hampshire County Council* [2011] UKSC 2 comments that an LPA is not expected to duplicate the licensing role of Natural England. The ruling further states that an LPA should only refuse planning permission where a criminal offence relating to EPS is likely to result from the development and where a licence from NE is unlikely to be granted. In all other cases EPS should not present a bar to planning permission.
86. DCC Ecology section assessed the details of the Bat report and agreed with the findings that the bat roosts were of low conservation value, due to not being maternity roosts, and given the conditions in the garage, were unlikely to be hibernating roosts. However roosts are protected by law, and any works to the building must be supervised with adequate mitigation in place, with an EPS Licence granted from Natural England. On this basis, and given the proposal relates to housing development, a government priority, a Bat Mitigation Class Licence (BMCL) can be issued for the works to proceed, which is Natural England's "light touch" licensing procedure for small numbers of bats of what are considered to be common species, found in roost types which Natural England considers the loss of which will not have a significant negative impact on the conservation status of the species population.

87. Under the BMCL the proposed works to the building can be carried out without a significant negative impact on bats provided that the work is carried out in a manner which minimises the risk of bats being killed or injured during the development. The Licence application must be prepared by a Registered Consultant who is able to register sites for development. The licence application will require appropriate mitigation and careful liaison with the contractor. A condition could be applied requiring adherence to the recommendations within the Bat Report.

88. In consideration of the above, the LPA in consultation with DCC Ecology Section is satisfied that a suitable assessment has been made by an appropriately experienced and licensed bat ecologist who is a Registered Consultant (RC) able to register sites for development to be covered by the EPS Licence regime. The RC has determined whether there would be a breach of article 12 of the Habitats Directive and whether a derogation from that provision should be permitted and a licence granted, deeming that it can. The Council's Ecology section assessed the Bat Report by JBA Consulting and confirmed that it was sufficient to inform the application and no further survey is required prior to approval.

89. Given that the RC has determined a licence can be granted having assessed the proposals under the derogation tests, there is therefore no reason to refuse the development on the basis that the site contains European Protected Species in this case.

Planning Balance

90. As the relevant policies of the Easington Local Plan are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged. As part of the assessment, substantial weight must also be applied to the relevant emerging policies in the County Durham Plan and the extent to which the proposal aligns or conflicts with these policies. A summary of the benefits and adverse impacts of the proposal are considered below:

Benefits

91. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this would be considered severely limited with provision of 1 dwelling in the context of the Council's ability to demonstrate in excess of a 5 year supply of housing land.

92. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some limited weight.

93. The site has been demonstrated to have some sustainability merits, given the level of services within the village and access to a regular bus service.

Adverse Impacts

94. Assessed against emerging policy 10 of the County Durham Plan, the proposed development directly conflicts with the criteria that allows for change of use of existing buildings. In particular the proposed change of use of the existing garage building to a dwelling would result in substantial reconstruction and disproportionate extensions that would be contrary to the policy. The effect of this would be to create a building of a scale and design, increasing the concentration of development in the area that would give rise to unacceptable harm to the intrinsic character of the countryside. The proposal would also be contrary to saved policy 35 of the local plan and paragraph 127 of the NPPF
95. Due to the close proximity of the garage to the adjacent dwelling, its conversion to create a two storey dwelling would fail to achieve adequate distancing standards, resulting in unsatisfactory levels of amenity for future occupiers, in direct conflict with policy 35 of the local plan, the Residential Amenity Standards document and NPPF policy in this regard.

CONCLUSION

96. On balance, in applying the requirements of paragraph 11 of the NPPF it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, the conversion of the garage building, by reason of its size, design and scale, would comprise substantial reconstruction and disproportionate extensions that would conflict with the criteria set out in emerging Policy 10 of the County Durham Plan which sets out limits to such conversions. As a result the development would be considered an excessive form of development in this location, that would be harmful to character of this countryside area. The proposal would also fail to achieve adequate distancing standards, resulting in unsatisfactory levels of amenity for existing occupiers. The proposals would be contrary to saved policy 35 of the Easington Local Plan, Residential Amenity Standards SPD and paragraph 127 of the NPPF.
97. The proposal has generated some public interest with letters of support from a small number of neighbouring residents. Whilst these are noted, they do not override the material planning grounds that warrant a refusal in this case.

RECOMMENDATION

That the application be REFUSED, for the following reason:

1. In applying the requirements of paragraph 11 of the NPPF it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, the conversion of the garage building, by reason of its size, design and scale, would comprise substantial reconstruction and disproportionate extensions that would conflict with the criteria set out in emerging Policy 10 of the County Durham Plan which sets out limits to such conversions. As a result the development would be considered an excessive form of development in this location, that would be harmful to the character and appearance of this countryside area. The proposals would be contrary to saved policy 35 of the Easington Local Plan, and paragraph 127 of the NPPF.

2. The adverse impacts of the development with regards to residential amenity are considered to significantly and demonstrably outweigh the benefits of the development when considered in the context of paragraph 11 of the NPPF. Specifically, the proposal would fail to achieve adequate distancing standards with the existing adjacent dwelling, resulting in unsatisfactory levels of amenity for existing occupiers, contrary to the aims of policy 35 of the Easington Local Plan, Residential Amenities Standards SPD (2020) and paragraphs 124 and 127 of the NPPF.

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 in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Easington Local Plan
- County Durham Plan
- Residential Amenity Standards 2020
- Statutory, internal and public consultation response



Planning Services

Conversion of existing garage buildings (or demolished and replaced with) to a single dwelling covering the existing footprint and an extension to the east

Land east of Saanen Lodge
 Haswell
 DH6 2EE

Ref: DM/20/02018/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date 13 October 2020

Scale Not to Scale

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01710/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing garages to form 2 no. bungalows
NAME OF APPLICANT:	Believe Housing
ADDRESS:	Garage block to the west of 12 Severn Close, Peterlee, SR7 1JU
ELECTORAL DIVISION:	Passfield
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of two garage blocks within an established residential estate to the west of Peterlee, occupying a site area of approximately 310 square metres. Adjacent to the site to the west and north are 12 semi and detached dwellings, to the north east a parking courtyard, a further two residential properties to the east, and to the south, the access road with amenity grassed areas.
2. The garage blocks were designed to serve the surrounding dwellings in Severn Close and in appearance are rectangular, single storey flat roofed buildings in two terraces of six garages facing each other at a distance of 8.5 metres across a central hardstanding area that allows access to each unit.
3. The wider estate consists of a mix of private owned and social housing, with fenced rear gardens and a mix of fenced and open plan front gardens. The built residential environment is high density, but separated by large areas of grassed open space and small areas of tree planting

The Proposal

4. The application seeks permission to convert both blocks into residential bungalows for older residents on affordable rent basis. One of the garage units from the western end of each of the blocks would be removed, with the remaining five units retained for conversion, occupying the same footprint as the remaining garages. The roof would be altered to provide a mono pitched sloped roof finish along the length of the building, raised at one end to allow high level windows to provide additional light into the rooms. The properties would be finished in a mix of render and composite cladding weatherboard providing a contemporary appearance.

5. Each proposed unit would contain two bedrooms and living areas, served by fenestration facing across the central hardstanding area that is to provide a shared outdoor space, with bin store and two car parking spaces. A third visitor parking space would be provided at the gable end of the southern garage block.
6. The scheme is intended as an innovative re-use of brownfield sites that are considered underutilised, accrue maintenance costs and can become a blight in the area, attracting in some cases anti-social behaviour. Their redevelopment would provide an opportunity to provide affordable housing in the area.
7. The application is being reported to Planning Committee at the request of the local ward member, due to concerns over parking in the area.

PLANNING HISTORY

8. Planning history:

No planning history exists at the site.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 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.
12. *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.

13. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 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.
17. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *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.

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

20. 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; air quality; historic environment; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

LOCAL PLAN POLICY:

District of Easington Local Plan (2001)

21. *Policy 1- General Principles of Development:* Due regard will be given to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
22. *Policy 18 – Species and habitat protection:* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
23. *Policy 35 – Design and layout of development:* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
24. *Policy 36 – Design for access and the means of travel:* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
25. *Policy 37 – Design for Parking:* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
26. *Policy 67 – Windfall Housing sites:* Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
27. *Residential Amenity Design Standards SPD –* In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts.

EMERGING PLAN:

The County Durham Plan

28. 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 Examination in Public (EiP) of the County Durham Plan (CDP) has now been completed following receipt of the Inspectors final report on 17th September 2020. This report confirms that the CDP is sound subject to Main Modifications being made and can progress to adoption. Therefore, as the CDP is at an advanced stage of preparation and will be adopted in due course, it is considered that it should be afforded significant weight in the decision-making process. Relevant policies include:

29. Policy 6 – Development on unallocated sites - development on sites not allocated in the Plan or Neighbourhood Plan but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological etc. value; is appropriate in scale, design etc to character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration
30. Policy 21 (formerly pre-submission draft policy 22) Delivering Sustainable Transport - – requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
31. Policy 29 (formerly pre-submission draft policy 30) Sustainable Design – requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
32. Policy 31 (formerly pre-submission draft policy 32) Amenity and Pollution - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as ensuring light pollution is minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
33. Policy 43 (formerly pre-submission draft policy 44) Protected Species and Nationally and Locally Protected Sites - development proposals that would adversely impact upon nationally and locally protected sites will only be permitted where the benefits clearly outweigh the impacts on the interest features of the site and any wider impacts on network of sites. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<http://www.durham.gov.uk/article/3269/Easington-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Highway Authority* – comments that three parking spaces would be provided to cater for future occupiers and include a single space for visitors. The turning head at the site has been extended to provide space for a refuse truck to turn, which are all acceptable.
35. As the proposal would provide new driveways at the site, it would mean parking within the turning head would be taken away from all highway users, which would benefit highway safety. The layout would displace 4 to 5 parking spaces into the surrounding streets, due to loss of garage leases which may be less convenient, but highways consider there is capacity in the nearby surrounding streets to park if needed. Highways section do not consider that they could uphold an objection on this basis.
36. No highways objections raised subject to a condition and informative to meet highways requirements.
37. *Northumbrian Water* – Notify that a public sewer crosses the site and may be affected by the proposed development. NWL confirm that they will work with the developer to establish the exact location and ensure any necessary diversion, relocation or protection measures required are undertaken prior to commencement. The applicant will be advised through an informative included on the decision certificate if approval is granted.

INTERNAL CONSULTEE RESPONSES:

38. *Ecology* – confirm the financial contribution for this development is £756.61 per dwelling and should be secured through a Section 106 Agreement or Unilateral Undertaking.
39. *Environment, Health and Consumer Protection (Contaminated Land)* – No requirement for a contaminated land condition, although an informative should be applied in the event of unexpected contamination being encountered during course of development.
40. *Environment, Health and Consumer Protection (Nuisance Action Team)* – raise no concerns regarding the development but recommend control be applied to any permission granted in relation to construction hours and any dust generating activities.
41. *Affordable Housing* – comment that affordable housing provision should reflect the requirements of local residents in respect of property type, size and location. The Housing Development Team are committed to continuous partnership working with Registered Providers and maximise the affordable housing offer of the county. We are happy that these proposals meet the affordable needs of the area.

PUBLIC RESPONSES:

42. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. 6 letters of objection and one letter of support have been received, commenting as follows:
 - Concerns regarding inadequate waste water systems and whether proposals have taken this into account
 - Properties would look onto a public access path

- Most properties have more than one car and the street is already at maximum capacity with no on street parking available. Loss of garages will make this worse
- The building is not of the same style and materials as original houses
- Impact of construction work on the vicinity – building work nearby has resulted in problems of dust and mud in the area.
- Concerns over vandalism and thieves during this phase as construction sites often attracts this and puts neighbouring residents at risk
- Queries over where existing parking will move to during construction and where will the construction workers park.
- Concerns over asbestos.
- Consider the conversion may look good on paper but little consideration given to parking for local residents – note that there are 8 dwellings in area, with no more than four parking spaces. Residents often have to double park and there is no capacity for visitors.
- Request that more parking should be provided, as well as charging points in parking bays.
- Parking already overflows onto road leading to the garages causing the road to be very narrow and resulting in risk to damage to cars.
- Double parking regularly takes place in the area
- New occupants will also have visitors coming to the site and they will take up scarce parking in area
- One objector uses garage and requires it as they are disabled and need it close to their home.
- Concerns that there is severe congestion due to poor parking facilities which causes highway safety issues especially for young children in the area
- Concerns that there are only three parking bays for the nine three bed homes immediately adjacent to the garages. This means about 13 cars are trying to parking in 3 bays. This is made worse when visitors attend
- Residents having to park on landscaped areas
- Impossible for large delivery trucks to turn resulting in large vehicles reversing in a very confined area. -severe pedestrian risk
- Prefer to see garages demolished and turned into a decent parking area for the residents.
- Nearby resident uses the garages and holds significant purpose for these residents they have two cars for medical reasons – advised previously that garages would be demolished for creation of parking not for more housing
- Housing would benefit just two families, but would have negative impact on 12 families living in vicinity.
- Advised that alternative garages would be offered but none are available close by. The people who rent garages need them to be close to their home.

Letter of support comments:

- Garages are an eyesore and kids often climb on them
- Only two garages used by two people who don't live in area
- Proposals provide essential housing for community

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

APPLICANTS STATEMENT:

The proposed scheme provides two much needed affordable bungalows through the re-use of the brownfield site. The existing garages, currently 40% occupied, offer little benefit to the surrounding area and were earmarked to be demolished. Through the innovative solution offered, we are able to convert them into contemporary Homes England compliant bungalows that will not only offer a positive regeneration in the area, but will resolve an issue of anti-social behaviour that can often be present on these garage sites due to the lack of passive surveillance and offer a method of designing out crime.

The conversions will at the same time address the appearance of existing garage blocks which are often a blight to housing estates whilst introducing contemporary materials and finishes that will introduce modern contemporary buildings as a design feature and new design standard in existing, established estates.

It can be very difficult for existing residents to remain in their locality if their needs change and they require a bungalow, The provision of bungalows, especially for older residents is often a shortfall of housing demand and this scheme aims to address that.

Peterlee is one of the highest demand areas that Believe Homes operate in and there's a real shortage, specifically of 2 bed bungalows in the area. As the main Registered Provider operating in the town Believe own just 90 x 2 bed bungalows in the area so there is a big shortfall when compared with the demand.

64 bids were recorded for no 18 Teign Close, Peterlee a newbuild 2bed3person bungalow. Application bids were made via Durham Key Options Choice based lettings system managed by Durham County Council.

Through the design process we have listened to the comments received and have altered the highways proposals to ensure that sufficient turning space is retained for delivery and emergency vehicles within our restricted site boundary. We have worked closely with the highway authority in designing the carparking and infrastructure for this small scheme.

We have assessed that 40% of the garages are occupied, with only 25% (3 No) occupied by residents in the immediate locality. The existing dimensions of the garages make it difficult to store a car, therefore there may only be 1 car stored in the existing garages. To ensure that the parking is not affected in any way, the applicant will offer alternative garages in the locality should an existing garage tenant choose to relocate.

We believe this scheme on balance will offer much needed affordable bungalows through the re-use of brownfield land utilising innovative methods to create a fully sustainable scheme.

PLANNING CONSIDERATIONS AND ASSESSMENT

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be given to the development plan and decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within 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.

44. The main planning issues for determining the acceptability of the proposal relate to: the principle of the development, impact on the character and appearance of the area, residential amenity, highway safety and parking, and ecology issues.

The Principle of the Development

45. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington Local Plan (ELP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However it should be noted that the emerging County Durham Plan (CDP) is at an advanced stage of preparation and can now be afforded significant weight but is not adopted at this stage and therefore not the statutory development plan.
46. The ELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Paragraph 213 also sets out that due weight should be given to existing policies, 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).
47. On this basis, given the age of the local plan and the housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out-of-date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at paragraph 213 of the NPPF.
48. Saved policy 67 of the local plan relates to windfall housing sites and seeks to direct such housing development within existing settlement limits, however, this does not fully align with the NPPF which is silent with regards settlement boundaries. In this regard this policy is considered to not fully accord with the NPPF and can only be attributed limited weight.
49. The housing policies in the emerging County Durham Plan are based on an up to date objectively assessed need that aligns with the Government's standard methodology as prescribed in paragraphs 73 of the NPPF and national planning guidance. The policies therefore carry significant weight in the consideration of this application. The site is identified as being located within the built up area of Peterlee and would therefore be considered against policy 6, as this policy relates to development of sites not allocated in the Plan but located within the built-up area or outside the built up area but well related to a settlement. Significant weight can be applied to this policy as part of the decision making process, but it must be noted that it is still not formally adopted.
50. Consequently, as noted within Paragraph 11c of the NPPF, there is no adopted up to date plan, meaning the development must be determined against Paragraph 11d. This states:
 - where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

51. Having regard to the above, the adopted local plan is out of date and the emerging County Durham Plan is not sufficiently far advanced to remove the need to apply paragraph 11 in this case. However the relevant policies will carry material weight as part of the overall planning balance.

Five year Housing Land Supply

52. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
53. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
54. On this basis, the addition of 2 new dwellings to meet housing needs would not be considered a significant benefit weighing in favour of the proposal. However the affordability status of the two dwellings would be a considerable benefit.

Locational Sustainability

55. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Emerging policies 6 and 10 reflects this also, stating that new development in the countryside must not be solely reliant upon unsustainable modes of transport.
56. The application site is located within the established settlement of Peterlee, which benefits from a full range of services necessary to meet day to day needs, including a range of shops, doctors' surgeries, schools as well as ready access to public bus services.
57. Overall, the site is considered to be located in a highly sustainable location, which will provide significant weight in the planning balance as part of the paragraph 11 assessment of the NPPF.

Accordance with Emerging Local Plan Policies

58. Emerging policies in the County Durham Plan must now be given significant weight in the decision making process. As they are not formally adopted, consideration of these policies forms part of the planning balance assessment associated with paragraph 11 of the NPPF.

59. As already noted, emerging Policy 6 is of relevance. This policy relates to development of sites not allocated in the Plan which can be either within the built-up area or outside the built up area but well related to a settlement. Development under this policy will be permitted provided it is compatible with any existing use on adjacent land, is not inappropriate backland development, does not result in the loss of open land of value, is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement, would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity, does not result in the loss of a neighbourhood's valued facilities unless shown to be unviable, and where relevant makes as much use as possible of previously developed (brownfield) land and where appropriate it reflects priorities for urban regeneration.
60. Assessed against this policy, the proposed conversion of the garages to residential dwellings is considered to largely comply with the set criteria. The proposed new use would be compatible with adjacent residential uses and is suitably located to be in keeping with the form and function of the settlement, with easy ready access available to the site. Further discussion on the scale and design, residential and highway impacts are provided in sections below.
61. As previously developed land, the development of the site meets with these policy aspirations and would help secure an element of urban regeneration in the area, as a small number of the garages appear to be unused and in a state of disrepair. That said, however, 5 of the 12 garages still had tenancies from adjacent residents at the time of the application and the loss of these garage facilities would be a negative outcome for them. In discussion with the applicant, however, it has been confirmed that alternative tenancies have been offered to these residents at another set of garages 33 metres further east of the site, within the Severn Close area.
62. Overall, the proposed development of the site is compliant with emerging policy 6 of the CDP and this is a significant benefit to the scheme as part of the paragraph 11 planning balance assessment.

Impact on character and appearance of surrounding area

63. Policy 35 of the ELP requires that development should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style and detailed design and materials. In addition development should provide adequate open space, appropriate landscape features and screening where required. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Local plan policy 35 is considered to comply with NPPF requirements and as such significant weight can be afforded to this policy.
64. Emerging CDP Policy 6 for development on unallocated sites requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Emerging Policy 29 Sustainable Design requires all development proposals to achieve well designed buildings and places and contribute positively to an area's character, identity, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

65. The application proposes conversion of garages, making use of the existing structures on site. Apart from a minor increase in roof height to create a sloped roof finish, the scale of the buildings would remain the same and would not be perceived as an increased concentration of development in the area. Whilst some of the garages are in use, a small number have become dilapidated with broken garage doors, and ultimately, detract from the quality of the area. The conversion works would see the site uplifted through use of render and weatherboarding materials, that would enhance the visual amenities of the site. Although dark coloured brick and roof tiles are characteristic within the immediate area, and one objection notes the proposals would not be in keeping, there are examples of this proposed wider range of materials elsewhere in the estate and it is considered that the introduction of this variation in materials palette would provide an element of interest in the area, and highlight the new residential use, as opposed to the previous utilitarian appearance of the garages.
66. The internal courtyard between the garages would be hardsurfaced, providing a bin store and parking bays. Whilst introduction of some planting would help to soften the appearance of the development, it would not be reasonable to require landscaping given the size of the courtyard but there would be options for planters at the landlord and tenants discretion. Overall the proposals would improve the amenities of the area, are of an appropriate scale, design, in keeping with the form and layout of the settlement in accordance with saved policy 35, emerging policies 6 and 29 and paragraph 127 of the NPPF in this regard.

Residential Amenity

67. ELP Policy 35 states that development will be required to have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This policy is considered consistent with Parts 12 and 15 of the NPPF, which require that a high standard of amenity for existing and future users be ensured. In addition the Council has also adopted the Residential Amenity Standards supplementary planning document (SPD) providing guidelines on amenity distance standards. Accordingly, full weight is to be afforded to these policies.
68. Emerging policy 29 relating to Sustainable Design requires development to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Emerging policy 31 relating to Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. In addition development needs to demonstrate that future occupiers of the proposed development will have acceptable living conditions.
69. The proposals are a conversion of existing garage blocks, and apart from minor remodelling of the roof, raising one end of each of the structures by 1.5 metres, the impact on nearest residents east of the site would be limited, as the basic relationship is already established. In addition, some concern has been raised that the buildings have attracted antisocial behaviour particularly due to lack of surveillance. It is expected that conversion to residential would likely reduce such incidents and provide some level of improvement of public safety to nearest residents. In this regard the reuse of the buildings for residential purposes would be considered acceptable against policy requirements.

70. In terms of living conditions for new residents, internal space standards are shown to be broadly in line with Nationally Described Space Standards and are acceptable in this regard. Externally, the two proposed dwellings will face each other at close distance, although they are handed rather than mirrored so the living rooms do not face each other. The facing distance is 8 metres, which is a significant shortfall from the SPD requirements of 18 metres between facing windows in bungalows. The individual circumstances in this case, however, provide an opportunity to make good low quality building blocks, by improving the appearance and maximising their use for affordable residential purposes. The intention to rent to older residents also usefully takes advantage of, what would normally be regarded as, a substandard residential relationship and allow passive security at the site to the benefit of future residents. It would be for future occupiers to decide whether the benefits of a close neighbour, mutual support and good passive security outweigh the closeness of a separate dwelling and a shared curtilage. It is considered that the proposal represents another alternative for personal preference, there being traditional semi-detached bungalows and an apartment block for older residents both close at hand on the estate, with the proposals adding to variety and choice.
71. A number of objections to the scheme raised concern with regards the impact of construction works in terms of noise and dust. Environmental Health assessed the details of the proposals and recommended that a condition be applied relating to construction working hours and methods to reduce dust as part of the construction programme. A condition can be applied to that effect.
72. Further objections have been raised regarding the impact on existing residents through loss of parking resulting from the development. This aspect is discussed in detail in the following section.
73. Overall the arrangements with regard to privacy, residential amenity and amenity space are in some conflict with saved policy 35 of the local plan and the SPD and present as a negative impact for consideration as part of the planning balance, mindful that the particular circumstances associated with the current development provide some benefit to the current substandard arrangement.

Highway Safety and Parking

74. Policy 36 of the ELP requires that new development provide safe and adequate access capable of serving the amount and nature of traffic to be generated and is considered consistent with paragraph 108 of the NPPF in respect of achieving safe and suitable site access. Therefore, significant weight can be afforded to it.
75. Emerging Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated. Development is to have regard to Parking and Accessibility Supplementary Planning Document.
76. The application proposes two parking spaces be provided within the central shared courtyard area along with an additional space at the proposed western gable end of the southern dwelling. Amendments have also been made to the vehicular turning head to allow a suitable length for safe turning of refuse trucks and for manoeuvring of vehicles exiting the new parking spaces associated with the development.

77. Highways Engineers have assessed the details and are satisfied that it meets with DCC Parking standards and requirements. They further comment that the amendment to the turning head would remove the availability of parking in this area from all highway users, and although identified as an inconvenience to those using the site for parking, it would be to the benefit of highway safety. The Highways Engineers consider that the lost parking spaces could be displaced to surrounding streets and that there is capacity in these areas to cater for this. Overall, they do not consider that a highways objection could be substantiated in this case due to the development not causing a significant highways impact. They further note that any approval would need to apply a condition for construction of an appropriate highway access crossing prior to occupation of the dwelling.
78. Notwithstanding the highway's support for the proposal, the issues surrounding the loss of existing parking have been the source of all objections received. Residents have clarified at length their experience of an already difficult parking situation at the site, which would now be further exacerbated by the proposed loss of these spaces, in order to provide dedicated parking for the new incoming residents, to the detriment of existing long term residents at the site. Reference is made to the expectation that the garage buildings were intended for demolition to provide parking for adjacent properties and concern is raised that this is now not intended but rather the buildings are to be converted and existing parking removed.
79. Reviewing existing areas for parking in the vicinity it is noted that a reasonable sized open parking court exists to the south of the site and is surrounded by 16 dwellings, nos. 23-38 Severn Close. This area measures 380 sqm and it is anticipated that it could possibly cater for on street parking for 16 cars. To the north east of the site another 455 sqm open parking court exists surrounded by some 13 properties, nos. 1-13 Severn Close. It is estimated that a maximum of 14 cars could park on street in this area. By comparison the parking area available adjacent to the application site measures 135 sqm and this is surrounded by 9 dwellings (nos. 14-22 Severn Close). It is anticipated that parking in this area could take a maximum of 5 cars. In total this equates to 38 dwellings with an estimated 35 parking spaces within the open parking court areas. It should be noted that the parking areas referred to are all adopted highway, providing informal parking, with no marked bays or designated spots for any residents. Parking along the arterial access road has not been included in this estimate of parking spaces in the area.
80. A total of 33 garages are dispersed around these three parking areas discussed above, 12 of which form part of this application and would be lost to conversion, and a further 9 in separate private ownership. The remaining 12 garages are in the ownership of the applicant and it is unclear if all are in use, although it has been stated that the 5 existing tenancies at the application site would be offered a new tenancy within these garages. That aside, it is not clear or presumed that the garages are used for parking purposes.
81. This assessment highlights that the residents adjacent to the application site already have a shortfall of available on street parking close to them. Officers consider that approving this development and allowing for the loss of 5 parking spaces for residents of the surrounding 9 properties raises amenity concerns, particularly as it is clear that alternative sites in adjacent parking courts are already heavily used. Whilst it is accepted that the development meets its own parking requirements, this is to the detriment of the existing limited parking available to adjacent long term residents. In this respect there is some conflict with emerging policy 29e) which states that development proposals should minimise the impact of development upon the occupants of existing adjacent and nearby properties.

82. It is notable that although residents have free access to park in these areas, they have no rights or ownership of them, and the ability to park in these areas could be removed at any time, as highlighted in the current application. The comments from the Highways Engineers also highlights an important point. In their view there is capacity on the surrounding streets to cater for the displacement of parking resulting from the development and they are clear that the development raises no concern in highway safety terms. It would therefore be untenable to uphold a refusal on highway safety grounds against the advice of the County Council Highways Engineers.
83. Nonetheless, there have been discussions with the applicant to consider options to address the parking issues that would arise as a result of the development. However upon further investigation into these options, it is clear that any such proposals would be cost prohibitive, and not commensurate with the size of the scheme proposed, and would render it unviable. Given that there are no highways objections to the scheme, there would be no justifiable grounds to insist on alternative parking provision in this case.
84. Despite concerns raised regarding impacts on existing residents through loss of parking resulting from the development, it is considered that in highway terms, the proposals accord with saved policy 36 of the local plan and emerging policy 21 of the CDP in this regard.

Ecology

85. As the application site is in close proximity to the Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area, the applicant is required to provide a financial contribution towards the upkeep and management of these designations of significant importance. The applicant has agreed to provide the contribution of £756.61 per dwelling in line with the Council's 'Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham. This contribution would be secured through a section 106 agreement.

Other issues

86. Northumbrian Water have commented that they have assets in the area but would liaise and work directly with the developer in this regard. They raised no objection to the development in relation to drainage issues and capacity. Whilst some existing residents complain of existing wastewater drainage problems, it is not for the proposed development to address these problems.
87. Contaminated land section assessed the details submitted in support of the application. They considered that there is a potential for made ground and contamination and given the proposal is a change of use to a more sensitive receptor a full pre commencement condition in relation to land contamination should apply should planning permission be granted.

Planning Balance

88. As the relevant policies of the Easington Local Plan relating to housing development are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged. As part of the assessment, substantial weight must also be applied to the relevant emerging policies in the County Durham Plan and the extent to which the proposal aligns or conflicts with these policies. A summary of the benefits and adverse impacts of the proposal are considered below:

Benefits

89. The development would provide benefits in terms of a boost to housing supply, in particular, affordable rented housing accommodation to meet housing requirements for older residents.
90. The development would see the reuse and upgrade of an underutilised garage site to provide dwellings in a highly sustainable location, improving the visual appearance of the area.
91. The development aligns with the aspirations and intentions of policies within the emerging County Durham Plan, through, amongst other things, use of a brownfield site, and enabling urban regeneration in the area.
92. The conversion works have the potential to reduce concerns regarding anti social behaviour associated with the site as well as provide future passive security benefits for future occupiers associated with the existing close building relationship.
93. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary minor economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some very limited weight in the context of two dwellings.

Adverse Impacts

94. The development would remove garage facilities for a number of local residents, although alternative provision has been offered to these residents within other garage blocks in close proximity.
95. The conversion of the buildings to create two dwellings and associated parking would remove existing parking available to surrounding residents, creating long term negative impacts on these nearest residents.
96. The conversion of the existing garages to create two dwellings would mean that they would not be capable of achieving adequate distancing standards, resulting in substandard levels of amenity for future occupiers, in direct conflict with policy 35 of the local plan, the Residential Amenity Standards document and NPPF policy in this regard.

CONCLUSION

97. On balance, in applying the requirements of paragraph 11 of the NPPF it is considered that the benefits associated with the creation of two affordable dwellings in a highly sustainable location of innovative design, improving the visual amenities of the area are deemed to weigh significantly in favour of the proposal.
98. The adverse impacts of the proposal relating to loss of garage facilities, loss of parking for nearest residents and substandard levels of amenity for future residents provide weight against the proposals. However, some mitigation for these impacts has been offered, through provision of alternative garages. The amenity standards however cannot be improved given the site characteristics and nature of the proposals to convert existing builds. Given that the overall aim is to bring existing buildings back into a beneficial use, meeting with national and local planning aspirations for affordable housing in sustainable locations, the adverse impacts identified would not significantly or demonstrably outweigh the benefits. The proposal is recommended for approval, subject to conditions and completion of a Section 106 agreement.

99. The proposal has generated public interest with six letters of objection received and one in support. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

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

- Financial contribution of £1513.22 towards Coastal Habitats sites.

And subject to the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Location plan	0005 (Rev P02)	01/07/20
Stopping up plan	0006 (Rev P01)	01/07/20
Proposed elevations	0300 (Rev P01)	01/07/20
Proposed site plan	0110 (Rev P02)	11/08/20

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 1 and 35 of the Easington Local Plan and Emerging Policies 6 and 29 of the County Durham Plan.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction and demolition.
 - Details of methods and means of noise reduction/suppression.
 - Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 - Designation, layout and design of construction access and egress points.
 - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- Details of the erection and maintenance of security fencing.
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Management measures for the control of pest species as a result of demolition and/or construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 1 and 35 of the Easington Local Plan and Emerging Policies 6, 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 1 and 35 of the Easington Local Plan and Emerging Policies 6 and 29 of the County Durham Plan.

5. Before the dwellings hereby approved are occupied the domestic highway access crossing shall be constructed to highways standards in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times.

Reason: In the interests of highway safety in accordance with Policy 1 and 35 of the Easington Local Plan, Emerging Policy 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

6. 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 1 and 35 of the Easington Local Plan, Emerging Policy 6 and 29 of the County Durham Plan and Parts 9 and 15 of the National Planning Policy Framework.

7. Notwithstanding the submitted information, the hardstanding areas shown within the red line boundary on Proposed Site Plan 0110 (Rev P02) received 11 August 2020 shall not consist of any loose gravel aggregate.

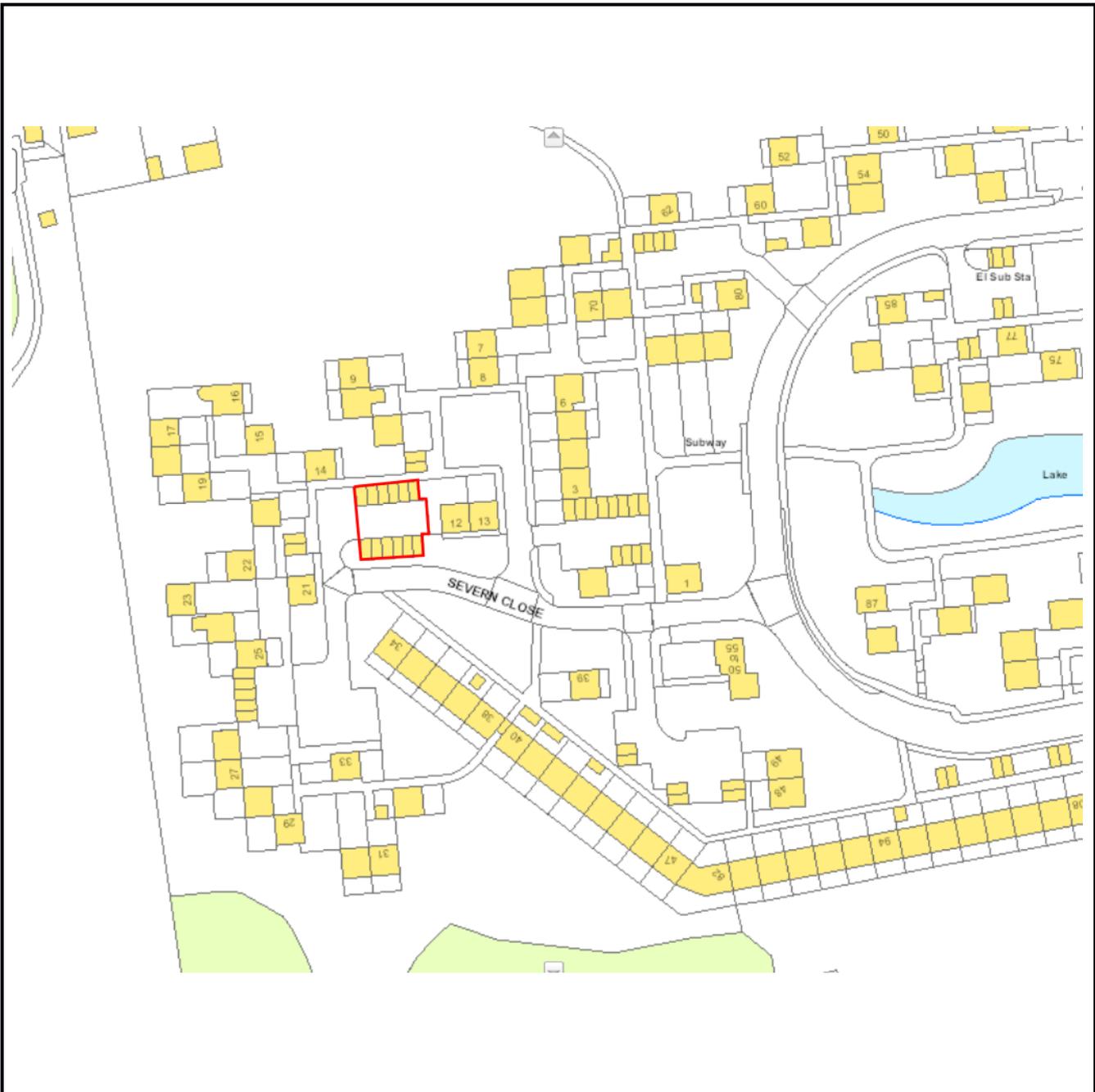
Reason: In the interests of highway safety and in accordance with Policy 1 and 36 of the District of Easington Local Plan and emerging Policy 6 and 29 of the County Durham Plan.

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 form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Easington Local Plan
- County Durham Plan
- Residential Amenity Standards 2020
- Statutory, internal and public consultation response



Planning Services

Conversion of existing garages to form 2 no. bungalows

Garage Block To The West Of 12
 Severn Close
 Peterlee
 SR8 1JU

Ref: DM/20/01710/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council Licence No. 100022202 2005

Comments

Date 13 October 2020

Scale Not to Scale