



Area Planning Committee (Central and East)

Date Tuesday 11 January 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 14 December 2021
(Pages 3 - 14)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee
(Central and East)
 - a) DM/20/03538/FPA - Land to the west of Poplar Tree Garden Centre, Hall Lane, Shincliffe, DH1 2NG (Pages 15 - 48)
Change of use of land for the siting of 4 no. holiday accommodation units with associated parking and landscaping (amended title).
 - b) DM/21/01611/FPA - Apollo Bingo, Front Street, New Durham, Durham, DH1 2EP (Pages 49 - 78)
Demolition of Existing Bingo Hall and erections of 1no. 4 Storey Purpose Built Student Accommodation with associated parking, and servicing facilities.
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

31 December 2021

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

Councillor D Freeman (Chair)
Councillor S Deinali (Vice-Chair)

Councillors D Brown, J Cosslett, J Elmer, L A Holmes, C Hood,
N Jones, C Kay, D McKenna, R Manchester, C Marshall,
E Mavin, K Shaw and A Surtees

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 14 December 2021** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors S Deinali (Vice-Chair), D Brown, L Brown (substitute for E Mavin), J Cosslett, J Elmer, C Hood, J Howey (substitute for L A Holmes), D McKenna, R Manchester, C Marshall, K Shaw, M Stead (substitute for N Jones) and A Surtees

Also Present:

Councillor David Hall

1 Apologies for Absence

Apologies for absence were received from Councillors LA Holmes, N Jones, C Kay and E Mavin.

1 Substitute Members

Councillor J Howey substituted for Councillor LA Holmes, Councillor M Stead substituted for Councillor N Jones and Councillor L Brown substituted for Councillor E Mavin.

1 Minutes

The minutes of the Meeting held on 9 November 2021 and Special Meeting held on 25 November 2021 were confirmed as correct records by the Committee and signed by the Chair.

1 Declarations of Interest

There were no Declarations of Interest.

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

a DM/21/02215/FPA - Land East of 1 to 25, Shinwell Drive, Peterlee

The Senior Planning Officer, Leigh Dalby, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was residential development for the erection of 59 no. dwellings (C3) with associated infrastructure, landscaping and drainage, and was recommended for approval, subject to conditions and a Section 106 Legal Agreement.

The Chair thanked the Senior Planning Officer and asked Mr Alistair Willis, Agent for the applicant to speak in support of the application.

Mr A Willis thanked the Chair and Committee and noted he had nothing to add to the Officer's presentation and thanked Officers for their work in relation to the application.

The Chair thanked Mr A Willis and asked the Committee for their comments and questions.

Councillor C Marshall noted he felt it was a fairly straightforward application adding he welcomed the Section 106 contributions as outlined. He noted that the development would add to the housing mix in the area and moved that the application be approved as per the recommendation.

Councillor J Elmer asked several questions relating to: 'net gain' in respect of ecology, noting he felt a few bat and bird boxes was not sufficient to compensate for loss of natural nesting sites; eight of the units failing to meet national space standards and asked for evidence in relation to viability; and a lack of detail in terms of meeting County Durham Plan (CDP) Policy 29 in relation to carbon reduction measures. The Senior Planning Officer noted that the recommendations in respect of bat and bird boxes had been requested by the Council's Ecologist and Planners would be led by the Ecologist's expertise in that regard. He added that proposed Condition 15 would require details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building and that it should be submitted and approved in writing by the Local Planning Authority. He noted that could include elements such as electric vehicle (EV) charging points.

The Principal Planning Officer, Paul Hopper noted, in respect of national space standards and viability of the development, the applicant had submitted a viability assessment with the application and Officers had challenged the applicant on the issue. He noted the Agent for the applicant was in attendance and may be able to offer additional information in that regard. The Chair asked if Mr A Willis would

respond. Mr A Willis explained that the site had viability constraints, being brownfield and with limited grant available. He added that in submitting the viability assessment, it had taken into account the financial contributions to be made through the Section 106 Agreement and explained that any reduction in the number of units would render the scheme undeliverable by the Registered Provider.

Councillor L Brown noted the application was laudable, with affordable properties, bungalows and EV charging points, however, she noted that elements such as gas boilers would soon be obsolete and there was no reference to solar panels. She reminded Members that the Council had declared a climate emergency and CDP Policy 29 sought to minimise greenhouse gas emissions and promote renewable energy. She noted she did not feel the application achieved that.

Councillor K Shaw referred to the Housing Strategy and noted he was more inclined to have houses that met the need of the residents and felt the application would bring long-standing benefits to a derelict site and therefore he fully supported the recommendation and seconded the motion for approval.

Councillor J Elmer explained he agreed to the principle of the scheme and noted there should be praise for the types of housing it would provide. He added that he would wish to optimise the quality of the properties and asked, through the Chair, if the Agent for the applicant could clarify as regards what types of carbon reduction measures the applicant would take in respect of Condition 5. The Chair asked Mr A Willis if he wished to respond. Mr A Willis noted that he did not have all the details, however, 10 percent of the CO₂ would be offset via solar panels or air-source heat pumps, and there would also be the inclusion of EV charging points. Councillor J Elmer noted that his point was that such details could be provided at this stage for Members' consideration. The Chair noted that was a similar point to one made at a meeting of the County Planning Committee, adding Officers would make note for future reports.

Councillor C Marshall noted that the point was valid, however, if Members were unhappy with the green credentials of a policy then it was an issue for Members to take up with the Cabinet Members. He added it was not for the Planning Committee to devise policy, rather to assess an application against the policies in place, and to do otherwise would create uncertainty for developers.

Councillor J Elmer noted the need to focus on the material concerns of the application and added he was trying to defend the CDP, specifically Policy 29 in respect of space standards and carbon reduction, and that it would be misleading to suggest he was doing otherwise.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions and Section 106 Legal Agreement as set out within the report.

a DM/21/01278/FPA - Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring

The Principal Planning Officer 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 previously refused application reference: DM/20/02163/FPA - Erection of a single storey dwelling and was recommended for refusal.

The Principal Planning Officer reminded Committee that the application was a resubmission of an application previously refused by the Committee in November 2020, with a subsequent appeal dismissed by the Planning Inspectorate in May 2021. He noted there had been no objections from Northumbrian Water Limited, or the Council's Highways Section in relation to the application. The Principal Planning Officer explained the Council's Spatial Policy Team had noted that inappropriate development in the Green Belt was by definition harmful and should not be approved except in very special circumstances. The Principal Planning Officer added that the development was not considered infill development and therefore was inconsistent with the National Planning Policy Framework. He added that the Landscape Section had noted the application would further erode the character and openness of the Green Belt. He noted the Design and Conservation Team had reiterated their comments relating to the previous application, that the design would result in a new dwelling of simple design with little architectural merit. The Principal Planning Officer explained that the Contaminated Land Section had noted a suggested condition associated with further surveys to be undertaken prior to any works commencing.

He explained there had been no objections from the Nuisance Action Team, Drainage and Ecology Sections, with the Tree Officer noting that the submitted Tree Survey was inadequate and suggested a condition be included requiring the necessary Tree Surveys and a Tree Protection Plan prior to development.

The Principal Planning Officer noted both Local Members had responded, with Councillor D Hall supporting the application and was in attendance to speak to Committee, and with Councillor B Kellett remaining opposed to the development, as the resubmission was similar to the previously refused application. He added a single letter of representation had been received, neither supporting or objection to the application, simply stating the applicant was currently living on the site.

The Committee were referred to the planning history of the site, with previous applications for residential development. The Principal Planning Officer noted a hardstanding that had been created and a static caravan was on site currently which were unauthorised and subject to enforcement action which was being held in abeyance pending the outcome of the application.

Councillor C Hood left the meeting at 10.13am

The Principal Planning Officer noted Paragraphs 137 and 147 of the NPPF referred to Green Belt, and that development should not be approved except in very special

circumstances. He noted that exceptions were set out within Paragraph 149 of the NPPF, and that Officers felt that none of the exceptions applied in respect of the application. He explained the applicant felt the development was infill, however Officer did not consider the proposed development as infill, a position that was consistent with the view of the Inspector at the May Appeal who had noted the proposal: “...would not adjoin another dwelling, only the rear garden of ‘Melrose’, as the house on that plot of land is positioned forward towards the road. With the other boundaries of the site abutting fields, the site does not reasonably constitute a gap between existing built development. With the lack of juxtaposition to other built development apart from on one side, the proposal would not constitute ‘infilling’”.

The Principal Planning Officer noted that the land was not considered as being previously development land, again noting the position was consistent with the previous decision and subsequent appeal.

Councillor C Hood entered the meeting at 10.15am

The Principal Planning Officer explained that it was not felt that the housing need could not be met from the existing housing stock in the area. He reiterated that the proposed development would harm the Green Belt, impacting on the spatial openness of the Green Belt. In respect of development in the countryside, he added it was felt the proposed development would not relate well to the existing bungalow. He noted that, in terms of the impact on residential amenity and sustainability the proposals were acceptable.

The Principal Planning Officer reiterated that it was felt the proposed development was unacceptable as it failed to maintain the openness of the greenbelt and did not meet the exemption for infill development and demonstration of any very special circumstances which would clearly outweigh the greenbelt harm arising from inappropriateness, contrary to CDP Policy 20, NPPF Section 13 and Paragraphs 137, 147 and 148. He concluded that therefore the application was recommended for refusal.

The Chair thanked the Principal Planning Officer and asked Councillor D Hall, Local Member, to speak in relation to the application.

Councillor D Hall thanked the Chair and Committee for their time and noted he would trust that Members would have read his e-mail detailing the family's circumstances and he would not wish to duplicate those details within his address. He noted the application from Chantelle and Tommy (Miss C Morrison and Mr T Ward) and their three children was for a small family home on an unobtrusive site, near to the A690, within walking and cycling distance of the nearby villages. He noted there had been no objections from neighbouring residents. He explained that Mr Ward was a successful boxer and volunteered for a number of local charities. He added that they had resided at the nearby Gypsy, Roma, Travellers (GRT) site at West Rainton, however, as a growing family, they needed more space. He explained that due to their income the family's option in terms of securing a permanent home was to build. Councillor D Hall noted that the temporary building on

the site had meant no offense and was simply required as a result of overcrowding.

Councillor D Hall noted following the previously unsuccessful application and appeal, the applicant had sought professional advice which had indicated that development in the Green Belt was allowed under the NPPF, as set out in NPPF Paragraph 149(e), 'limited infill in villages'. He added he felt that was a perfect description of the proposed small home on a site near to an existing dwelling. Councillor D Hall reminded Members that while Officers could advise, it was for the Committee to decide and that their very important duty could have implications that were profound and long-lasting. He added it was the unique role of Elected Members to understand those they represented and use their collective real world experience to help decide upon such matters.

He added his view as a Local Member would be to grant the application, noting the exception at Paragraph 149(e) of the NPPF. He added that should Members be minded to approve the application, they could delegate to the Chair and Vice-Chair and Head of Planning as regards any conditions required. He added he hoped that Members would agree the proposals represented infill development, move and second approval, and allow the family to get on for themselves and their children. Councillor D Hall respectfully asked that the Committee grant approval of the application.

The Chair thanked Councillor D Hall and asked Mr Mark Ketley, Agent for the applicant, and Miss Chantelle Morrison, the applicant, to speak in support of their application.

Mr M Ketley thanked Members for the opportunity to speak in support of the application and noted he represented Chantelle and Tommy in respect of their application. He reiterated that they were a local family with three children, with Chantelle being a care worker within the NHS and Tommy being a successful boxer, ranked eight in the world at Featherweight and a genuine title contender.

Mr M Ketley noted that development in the Green Belt was normally inappropriate, however, he disagreed with the Officers' view in respect of the exception as set out in NPPF Paragraph 149(e) which did allow for limited infill. He noted that Officers had accepted that the development was limited in scale and as regards village boundaries, and therefore the only issue was whether the development constituted infill. He explained that it was his view that it did and while there was not a gap in terms of the infill of a frontage, there were properties to the north and east, with a mature hedge to the south and trees to the west. He added the site was virtually contained and the development did not encroach on the Green Belt and he felt the proposals were acceptable and there were very special circumstances in terms of the applicant's housing need.

Miss C Morrison noted her family had lived at the GRT site at West Rainton and the application had been made as there was no room or availability at the site and they were not a priority for housing. She noted that two of her children attended the local primary school at West Rainton where they thrived. She noted that due to her partner's career as a boxer they had not been able to secure a mortgage and noted that it was more cost effective for her family to build a property. She added that if they were unable to build, they would have to revert to their traveller roots with an impact upon her children and the family. She noted the strong trust that had been established with the local Doctor and school, having obtained additional support for her daughter. Ms C Morrison noted the charity volunteer work undertaken by her partner and added that all neighbours were supportive of their application. She concluded by explained that they were not removing any trees and that only half of the site would in fact be developed.

The Chair thanked Mr M Ketley and Miss C Morrison and asked the Principal Planning Officer to comment on the representations.

The Principal Planning Officer referred to the comments from Mr M Ketley in respect of the views of Officers. He noted that Officers did agree the development was limited in nature. However, he noted that Rainton Gate was within the settlement survey, however, this did not set settlement limits and therefore the area was considered outside of the settlement and not considered as infill development. He again noted that position was consistent with the appeal decision.

The Chair noted that Councillor C Hood had left for a brief moment and asked the Solicitor – Planning and Development, Neil Carter for advice. The Solicitor – Planning and Development noted it was for a very short period and asked Councillor C Hood if he felt he had heard enough of the Officer's presentation in order to consider the application. Councillor C Hood explained he had heard enough to be able to consider the application.

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

Councillor L Brown noted she recalled the previous application in November 2020 and that it had been seen as a test of Policy 20, a test which the CDP had passed. She noted that subsequently the appeal of that decision was dismissed by Inspector Hendley as the application was contrary to CDP Policy 20 and Paragraphs 137 and 147 of the NPPF as it represented an unacceptable encroachment on the Green Belt with no very special circumstances. She added that the Green Belt helped to protect the World Heritage Sites and Durham and did not see any reason why the family's need could not be met by other housing. Councillor L Brown noted that the

report referred to the comparisons Councillor D Hall had made to a recent application at Fernhill, she noted that application had been refused. She concluded by stating she supported the Officer's recommendation and moved the application be refused as per the report.

Councillor C Marshall asked if there had been any material change since the previous application, given a formal consultant was now representing the applicant. He noted that the application before Committee made more of a case in terms of the housing need, the specific needs that were met in that community in terms of the school, education and healthcare. He asked, in terms of planning policy, at what level that specific and special need would need to be at, and what evidence would be needed.

The Principal Planning Officer noted that additional information had been presented to the Inspector at Appeal in terms of personal circumstances, those as mentioned within Councillor D Hall's representations. The Principal Planning Officer referred Members to the Ministerial Statement set out within the report which noted that, in relation to development within the Green Belt *'personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'* and that a very high bar was set in terms of protection of the Green Belt and in resisting encroachment. The Principal Planning Officer noted that Officers did not feel that the personal circumstances amounted to very special circumstances. He added there was a similar brick and mortar housing offer in the area and reiterated that Officers did not feel the very special circumstances test was met.

Councillor D Brown asked if the photograph of the site could be shown again and asked as regards the hardstanding. The Principal Planning Officer noted the hardstanding and proposed development covered around half of the site. Councillor D Brown noted the discussion as regards the Green Belt and openness and asked how hardstanding qualified as Green Belt. The Principal Planning Officer reiterated that the present situation, with a static caravan and hardstanding, represented unauthorised development and was subject to enforcement action, held in abeyance until the determination of the current application, though those elements did not form part of the current application.

Councillor C Marshall noted it was a difficult decision and explained he understood why Officers had taken the view in terms of very special circumstances. He noted, however, there had been no objections from local residents, the Local Member supported the application, and there were the specific circumstances of the family. He explained he did not feel the application would be detrimental to the Green Belt or that a precedent would be set. He proposed that the application be approved, due to the very special circumstances as outlined by the family. Councillor D Brown seconded the proposal.

Councillor L Brown noted she had proposed refusal of the application. The Solicitor – Planning and development noted a proposal for approval had been made and seconded.

Councillor J Elmer noted that the application was extremely difficult and added that the Committee needed to ensure that applications were determined via the policies, noting the same argument was now detracting from policy. He agreed it was hard not to bring emotion into the process, however, he felt it was the role of the Committee to make decisions on policy and therefore he seconded Councillor L Brown's motion to refuse the application.

The Solicitor – Planning and Development noted it was essentially binary in terms of the proposals, however, Councillor C Marshall's motion had been seconded first. He noted that prior to moving to a vote on the motion, he would wish for clarity in respect of the proposal. The Solicitor – Planning and Development noted, as he understood, Councillor C Marshall felt the family's personal circumstances, and low level of harm to the Green Belt, represented very special circumstances, sufficient to outweigh the harm by reason of inappropriateness. He noted that should Members be minded to approve the application, a suite of conditions would be required to be agreed under delegated powers by Officers, as usual.

Councillor A Surtees agreed that it was a complex case and asked if the area within the Green Belt was classified as previously developed land. The Principal Planning Officer noted that the Inspector, within his decision dismissing the appeal, had not considered the area to be previously developed land. He reiterated that the current hardstanding and caravan were unauthorised and therefore the land was not considered as being previously developed land.

Councillor M Stead noted that Councillor C Marshall had asked as regards the bar for very special circumstances, with the Officer's response being "quite high". He asked as regards the level of that bar and what types of very special circumstances would be required. The Principal Planning Officer noted the very special circumstances would usually be in terms of some wider public benefit.

The Chair noted no further comments or questions from Members. He reminded the Committee of the previous refusal, and dismissal at appeal, but noted it was for Members to decide in terms of the merits in relation to very special circumstances.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to a suite of conditions to be agreed under delegated authority by Officers.

a DM/21/03430/FPA - 67 Kepier Crescent, Gilesgate Moor

The Principal Planning Officer 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 for change of use from C3 to C4 and was recommended for approval, subject to the conditions set out within the report.

The Principal Planning Officer noted there were no external works or extension proposed. He explained that within the report Highways had erroneously referred to the property being within a controlled parking zone, however, that was not the case. However, Highways had noted no objections in respect of the application. It was noted that Belmont Parish Council had objected to the application, with issues raised including; noise and disturbance; additional coming and going, especially at unsociable hours; crime and the fear of crime; lack of space; and concerns it would lead to other similar conversions.

The Principal Planning Officer noted no objections from internal consultees, including Spatial Policy who noted the percentage of houses in multiple occupation (HMOs), as defined as properties that were Council Tax exempt was currently 3.8 percent, which would increase to 5.1 percent if another development nearby were to go ahead. The Principal Planning Officer noted objections from Local Members in terms of the increase in student properties and they had asked whether there was a need for such properties, given a number of purpose-built student accommodations (PBSAs) in the area. He added there had been 12 letters of objection, including those from the Parish Council and Local Members, with the concerns summarised within the report.

The Committee were reminded as regards CDP Policy 16 which stated change of use from C3 to C4 would not be permitted if more than 10 percent of properties within a 100 metre radius were Council Tax exempt. The Principal Planning Officer reiterated that the current level was 3.8 percent and would be 5.1 percent if the other property referred to had a change of use. He noted that including that other property, the application would increase the percentage from 5.1 to 8.3 percent, still within the 10 percent threshold of Policy 16.

The Principal Planning Officer reiterated that internal consultees had no objections to the application, and while the objections set out by the Local Members, Parish Council and objection letters had included crime and the

fear of crime, without material evidence as regards issues limited weight could be afforded to those issues. He noted that a condition would require details as regards bin and cycle storage to be submitted to the Local Planning Authority, and the provision to be in place prior to property being occupied. The Principal Planning Officer concluded by noting that the application was felt to be acceptable in respect of CDP Policy 16 and, with Officers noting there would be no impacts in terms of residential amenity or highways safety, the application was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Patrick Conway, representing Belmont Parish Council, to speak in relation to the application.

Parish Councillor P Conway noted the Parish Council had received a lot of representations from local residents, principally from those living at Keiper Crescent. He added a number of phone calls had also been received from the wider area with concerns as regards the development of HMOs in the area.

In reference to the NPPF, Parish Councillor P Conway noted that he did not feel the change of use represented development within a mature, residential area. He noted Part 5 of the NPPF referred to the sufficient supply of homes, and a change of use would not support that in a residential area that had existed for generations. He added that there was a need for family homes in the city and therefore the property should remain as a family home, noting that, as a Trustee of a Housing Association, he would not wish to see further erosion of the housing stock.

Parish Councillor P Conway reiterated that there was no need for student houses, with the PBSA within a quarter of a mile of the property having spare capacity. He noted residents were concerned that competition in respect of student rent levels could lead to properties being maintained to a lower standard. He added residents were concerned as regards impact upon the estate roads and shared access.

Parish Councillor P Conway noted CDP Policy 16 referred to a 10 percent threshold, and while this was useful in the cases where it was exceeded, in areas where it was not it appeared to be considered a target to reach, adding there were a further four applications for change of use from C3 to C4 in the area. He appreciated the methodology used by the Council in terms of the 10 percent threshold and Council Tax exempt properties, however, he noted that anecdotally many properties were being used as HMOs, with the Council Tax simply being paid. He reiterated that residents were concerned that the HMOs would creep to the threshold of 10 percent.

Parish Councillor P Conway noted the Officer's report and presentation was very fair, however, there was a judgement to be made in terms of HMOs. He explained the Parish Council believed the 10 percent threshold within a 100 metre radius was a blunt instrument that could in fact be used to justify more HMOs. He noted that the Parish Council would strongly ask that the Committee refuse the application, noting the application had been before the Local Authority in 2018, only to be withdrawn by the applicant.

The Chair thanked Parish Councillor P Conway and asked the Principal Planning Officer to respond to the points raised.

The Principal Planning Officer noted that a change of use was development as defined by the Town and Country Planning Act 1990. He added that Policy 16 did refer to the 10 percent threshold in relation to HMOs, however, other policy elements were required to be met in addition. He reminded Members that Policy 16 had been found to be sound at the Examination in Public of the CDP.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor J Elmer noted that the application hinged upon Policy 16 as set out in the CDP. He added it had taken 10 years for the Council to reach the point where the CDP was in place and adopted. He noted that it had been attempted within the earlier CDP proposals and explained that there was huge demand for rented accommodation in Durham, primarily for students. He reiterated as regards the efforts to get Policy 16 in place, with the arguments made at the Examination in Public as regards a 10 percent threshold. Councillor J Elmer noted that the Committee had to comply with the policy, adding that if Members abandoned it then developers would see that. He noted that therefore the line must be defended, and policy should be applied consistently so that where applications did not comply with Policy 16, they could be defended against in future. He proposed that the Committee accept the Officer's recommendation and approve the application. He was seconded by Councillor M Stead.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions set out within the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/20/03538/FPA
FULL APPLICATION DESCRIPTION:	Change of use of land for the siting of 4 no. holiday accommodation units with associated parking and landscaping (amended title)
NAME OF APPLICANT:	Poplar Tree Garden Centre and Unbox Limited
ADDRESS:	Land to the west of Poplar Tree Garden Centre Hall Lane Shincliffe DH1 2NG
ELECTORAL DIVISION:	Shincliffe
CASE OFFICER:	Jennifer Jennings Senior Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is at the south western edge of Shincliffe Village, west of, and to the rear of, a long-established garden centre business, which itself occupies a relatively secluded position set back from the main street frontage on lower ground. Part of the land within the application site boundary consists of a gravelled hardstanding area that is used as outdoor storage ancillary to the garden centre, whilst the remainder of the land forms part of a larger L-shaped field area laid to grass, owned by the garden centre and extending west and north west. An informal track runs north-south along the west boundary of this land but is not registered as a public right of way. Beyond this track the River Wear bounds the western side of this land, whilst to the north and south sides of the site there is open countryside with cultivated fields, separated by established hedgerow boundaries.
2. The application site falls within Green Belt designation and also forms part of the Shincliffe Conservation Area and designated within the County Durham Plan as an Area of High Landscape Value. The site is also located within Flood Zone 2.

Proposal:

3. The application seeks planning permission to change the use of an area of land to the rear of the garden centre to allow the siting of four holiday accommodation units. The units are each made up of two shipping containers bolted together along their long edges and would measure 12.4 x 5.1 metres, with a maximum height of 3.3 metres. Being in a flood zone the units are required to be raised above ground level

by approximately half a metre and would therefore be set atop a stilt system that would sit on the ground with minimal ground works involved. A small wooden step structure would exist by the entrance point to each of the units. Each of the units would be clad in western red cedar boards fixed vertically, with aluminium windows and single ply grey membrane roof finish, with the rear elevation consisting of a 'living wall' finish. Internally the units would consist of one double bedroom, with bathroom, combined kitchen/living room/diner.

4. The landscaping works proposed would see the existing storage hardstanding area removed and re-naturalised with new native shrub planting introduced around each of the units. All existing trees and hedgerow would be retained with any gaps in the hedgerow filled and strengthened. Up to 50 new trees are proposed to be planted with extensive areas of wildflower meadow and grasses proposed within the wider area. Four grasscrete parking spaces are to be provided adjacent to the most easterly unit, next to the delivery access road associated with the garden centre. A narrow gravelled path would connect the parking to each of the units with a small boardwalk area installed to provide level access to two of the units.
5. The application has been called to Committee by the local ward member who raised a number of concerns including development in the Green Belt and impact on the Conservation Area.

PLANNING HISTORY

6. There is no planning history associated with the application site, however, there are a number of planning approvals associated with the garden centre as detailed below:

DM/17/03419/FPA Proposed extension to Brambles Coffee Shop Approved 19th December 2017

DM/16/01856/FPA Proposed canopy structure to the rear of the garden centre for the display of plants. Approved 5th August 2016

4/08/00483/FPA Erection of extension to west elevation of existing building to form extended cafe and farm shop Approved 7th July 2008

4/04/00929/FPA Erection of storage building and various extensions at existing garden centre Approved 20th September 2004

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (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 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.
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 13 Protecting Green Belt Land - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

17. *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.
18. *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.
19. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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.

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

LOCAL PLAN POLICY:

County Durham Plan

21. Policy 6 (Development on Unallocated Sites) states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
22. Policy 8 (Visitor Accommodation) supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of

the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale

23. Policy 20 (Green Belt) development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt
24. 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; 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.
25. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way .
26. Policy 29 (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.
27. Policy 31 (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.
28. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water
29. Policy 39 (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 are expected to incorporate appropriate mitigation measures 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

30. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
31. Policy 44 (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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

Neighbourhood Plan

32. No neighbourhood plan is currently in force in this area

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. Environment Agency – comment that the proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if a planning condition is included that ensures development carried out in accordance with Flood Risk Assessment and subject to floor levels at a stated height and no development within flood zone 3.
34. Highways – No objection
35. Shincliffe Parish Council raises objection to the application, making the following comments:
- Provides details from case law that demonstrates that the structures must be viewed as buildings.
 - Fundamentally disagree with the applicant's statement that the temporary buildings would not constitute inappropriate development. Consider that they would remain in fixed position and physically connected to mains services. They would have permanent quality
 - If permission is to be granted, then a time limited condition should be attached
 - The current use of the site is not authorised and is substantially smaller than the land for which planning permission is sought.
 - Inaccurate of applicant to suggest storage area is hard surfaced when it is a gravel surface added in last year.

- Proposals could not be considered to fall under exception 150e) (formally 145g) and are therefore inappropriate development
- Applicant overstates the unsightly nature of site, this is because of the way things are stored. If approval granted it will just be moved to another part of site. State of land should not be used to promote the development
- Development would result in replacement of small gravelled area and green field land with installation of 8 converted shipping containers, extending built development into the green belt beyond the existing gravelled area. The change in scale and massing is a relevant consideration
- Development is not temporary and the fact that it is fully reversible should not weigh in its favour
- No very special circumstances and not expected that any big economic benefit
- SPC consider that by nature of the scale, massing and design, the development would have a significant visual impact and cause substantial harm to the openness of the Green Belt in this location. This is clearly contrary to the requirements of national planning policy and therefore also policy 20 of the CDP.
- Proposals contrary to policy 44 and 8 of the CDP
- SPC submit that the inappropriate scale and massing of the proposed development would result in harm to the significance of the conservation area as it would not reflect the positive characteristics of the area. The proposal is therefore clearly contrary to policies 8 and 44 of the CDP and section 15 of the NPPF.
- Policy conflict with policy 31 in terms of impact on health and living conditions of residents

EXTERNAL CONSULTEE RESPONSES:

36. Northumbrian Water – No comments.

INTERNAL CONSULTEE RESPONSES:

37. Design and Conservation – note that the proposals would be contrary to policy 44 of the CDP due to being harmful to the conservation area but that this harm would be less than substantial. Full details within main body of the report.

38. Landscape – consider that the structures would not have an unacceptable impact on the landscape quality or appearance of the AHLV. Updated landscape plan considered acceptable but a condition would be required to secure the works on the wider site. Full details within main body of report.

39. Trees Section – upon receipt of amended proposals, including stilt system, deferred to comments from landscape officer.

40. Contaminated Land section – No objection or requirement for a condition.

41. Drainage section have no comments for this minor development.

42. Visit County Durham expressed support for the proposal, noting a general shortage of supply of visitor accommodation around popular destinations such as Durham City.

43. Public Rights of Way – comment that access to the site is via a section of Shincliffe public footpath 11, which is already used as access to Poplar tree Garden Centre. There are no other PROWs affected by this development therefore no objections are raised.

44. Nuisance Action Team – upon receipt of the management plan, they considered the details acceptable and requested that the details are conditioned.
45. Ecology – no objections, but external lighting should be minimised. They also request that a biodiversity management plan should be provided to ensure the wildflower meadows are managed appropriately to achieve biodiversity net gain.
46. Civil Contingencies Unit – considered the evacuation plan in the event of a flood in the area and raised no objections.

PUBLIC RESPONSES:

47. The application has been advertised by means of site notice, by publishing in the local newspaper and by notifying neighbouring residents by letter.
48. In total 199 comments were received, 161 in objection to the proposals, 30 in support and 8 provided representations, neither in objection or support.
49. In support of the scheme the following comments have been received:
 - Consider the scheme innovative and well conceived and provides Durham with much needed eco-friendly option for visitors
 - Consider it a well balanced application, and satisfies concerns of residents
 - It will enhance the environment with nature trees and shrubs
 - It will help local businesses
 - It will bring jobs to area
 - It will help a young entrepreneur to establish a small business
 - Would have a minimal, if any, affect on Shincliffe Village, with recent assurance confirming view on this
 - Believe proposals will have minimal impact on the local environment and create a valuable tourism resource for city and region.
 - Innovative and interesting project that may attract people who would not wish to stay in traditional accommodation.
 - Boost visitors and help local hospitality recover following lockdown
 - In age of sustainability good to see re use of old materials
 - Area behind garden centre a huge area of grass and development takes up small section. It would make no difference to current users of the site or ability to walk along river
 - Number of people staying there would be small and far less than what the garden centre attracts
 - Planting of wildflowers boost to local wildlife especially since surrounding fields planted as mono-crops
 - People resist change and believe concerns raised because not traditional. However new concepts should be given opportunity to succeed and the development will be in front of the least attractive part of the garden centre and is appropriate to its setting.
 - Area would benefit from moderate increase in footfall to local trade and pubs
 - Site is unused and unloved and proposals are tastefully considered
 - Temporary structures more environmentally friendly than more permanent concrete offerings
 - Site is a small secluded area not overlooked by residents and will have little visual impact on village
 - Will have minimal impact on traffic in area
 - Development being supported by Durham City Incubator Programme, to support entrepreneurial businesses in the county.

- Concept to introduce ultra - low density accommodation and enhance site where it is located and improve and attract more varied tourism in City, tourism being a key economic sector for the county
- Innovative way to provide high quality green hotel rooms without the hotel.
- Supports scheme which is an environmentally sustainable green accommodation scheme
- the proposals reflect a design that is considerate of the wider location in both scale and appearance and will not only fit with the natural setting of the immediate surroundings but will actually enhance them with an extensive number of new trees and flora being planted to restore a site partially used for commercial storage.
- contribute significantly to the numerous reasons why people wish to visit Durham City and the surrounding areas.
- This small proposal of serviceable accommodation units opens opportunities for employment, growth of the local economy and much needed thinking with respect to sustainable tourism for the County
- Would never support anything that damage environment but this proposal offers significant enhancement and will increase biodiversity
- Assertions that containers in some way could not be temporary fail to recognise that they are by design intended to be picked up and moved with ease in the haulage industry.
- People need the hope and inspiration this type of project stands for and the region needs more employers who are from and are connected to the areas they wish to start or grow in.
- Good to see local, forward thinking entrepreneurs looking to find green solutions to the on-going problems Durham has faced with regards to the lack of accommodation and range of options for tourists, particularly when it comes to highlighting Durham's environmental appeal
- Will bring in outside money to city, which is needed given current state of Durham's high streets.
- Light touch approach welcomed and pays consideration to the locality
- Unlike typical ventures of this type, the scheme places emphasis on protecting its surroundings as a whole
- Structures are evidently temporary design to leave no lasting impact - a major advantage to modular buildings.
- Durham residents need to come together and stand alongside local businesses and rebuild great city especially after last year.
- The proposed landscaping, planting of native trees and re-wilding of the field as a native meadow would not only benefit pollinating insects and wildlife, it would be a vast improvement on the visual aesthetics of what has long been used as a commercial site.
- Don't believe that the proposals would expand beyond 4 units as this would undermine the business and be at odds with their offering of low impact environmental developments and providing visitors a quiet place in nature
- The fact that Environment Agency would not allow development in flood zone 3 rules out any further expansion of the site
- Shincliffe is a great asset to the area, and there would be no support for anything that would spoil it, but having visited site again consider proposals would have minimal impact. Environmental improvements and boost to local tourist economy are a benefit
- The local environment will be improved by the development. The planting of wildflower species around the development and the local area more widely is an excellent idea and will change what is a species-poor field into a more diverse environment that will boost the local wildlife.
- Shincliffe does not have a single 'character' but is instead a fascinating mixture of building stock of different ages, designs and origins. Its combination of a historic

core, industrial heritage, agricultural influence and post-war development make it far more diverse than the neighbouring High Shincliffe or Bowburn, for example. Shincliffe has evolved through time to meet the needs and interests of its diverse population and should be allowed to continue to do so into the future.

- Concerns over misinformation spread about the proposals
- The design is very original and will be another benefit to the proposals appealing to a new audience and providing a new type of offer. Not everyone wants to stay in a city and this provides a perfect location.
- Proposals will directly benefit local area and businesses within town centre. Application says it will highlight local independent businesses.

50. The letters of representation received make the following comments:

- No objection but does have concerns that development could increase beyond 4 units in the future.
- No objection or support but concern over unfairness towards the applicants and developer and extent of misrepresentation
- Whether consideration given to flooding and the impact of any potential floods on site taking debris down river and impacting on scheduled monument bridges.

51. The objections received covered a number of common themes and the comments are provided below under relevant headings:

Green Belt

- Pointing out land is Green Belt and the development is wholly inappropriate and out of keeping with village
- Object to building on green space
- Concerns that Green belt is being developed at an alarming rate
- Strongly object to shipping containers in green belt
- Wrong to consider a large development like this
- Wrong to allow development in precious green belt land
- No pressing need, whether financial, social or amenity for a development of this type to violate green belt status
- Development would result in harm to the green belt, acknowledged by the developers
- Queries over what the very special circumstances are to outweigh the harm to the green belt.
- Queries what temporary means, whether it is a day, week month, year decade. Comparing structure to being no more permanent than a marquee is stretching the truth. Development still inappropriate in green belt area.
- Green Belt openness will be lost, deciduous trees won't screen units for 6 months of the year, buildings on stilts will be visible from across floodplain
- Very special circumstances don't exist as number of jobs created minimal, benefit to local economy is doubtful.
- The land should not be used as the Garden Centre's rubbish dump, it should be returned to Green belt land. There is no historic use as dumping ground, and not an excuse for developing site with shipping containers
- A recent appeal for siting of shipping containers in green belt dismissed as inspector found them to be a building within the definition of Section 336 of 1990 Act and therefore not a listed exception with para. 145 and 146 of NPPF.
- The units at 12 m long and 5 m wide and 4 m high will comprise significant structures in the landscape.
- Their permanent placement due to their design, bulk and scale in an area where development does not exist would result in the loss of and fail to preserve openness of the green belt in visual terms, irrespective of landscaping proposed.

- Claim that Durham needs more start ups and more innovative business to grow economy should not be at expense of the green belt
- Proposals does not meet any exceptions under para. 145 a-g or 146e of NPPF
- Green belt policy doesn't allow for temporary or reversible development
- Garden Centre has slowly crept into the green belt over the years, and the current proposal a further step in this process

Visual amenity

- Live close to the property and it will have negative visual impacts, particularly when trees not able to screen site in winter
- Don't accept that the structures will be temporary and they will be an eyesore
- Developing a site heavily used for recreation by residents
- Site is very sensitive on the edge of a very attractive village. Investment seems very large for temporary structures
- Shipping containers would be a blight on the landscape and would result in further degradation
- Area irredeemably spoilt by eight gigantic and conspicuous boxes causing blot on landscape
- Developer has not made any effort to try to ensure the design sits sympathetically with its environment. Development would look more like a scrapyard than a green belt holiday village
- Container would ruin the natural vista of beautiful historical landscape.
- Site is conservation area and structures will be complete encroachment of a beautiful countryside
- Structures will be blight on landscape, destroying the very thing that visitors actually already come to enjoy
- Whilst suggest some landscaping, this will take considerable time to mature and cannot be relied upon to be permanent
- Area already negatively impacted by development at Maiden Castle
- Applicant claims development will improve eyesore that is currently storage area of garden centre, however it would be better for improved storage to be provided and land reinstated.
- Nature and external finish of development bears no resemblance to existing dwellings in village and cannot claim to enhance or complement the village.
- Development will not be consistent with historic look of the village
- Structure more appropriate to industrial estates not green belts
- Character of village will be damaged as no other structures like this in the village. They add nothing to heritage or culture
- Planting will take 20 years to take effect
- Drawings do not adequately show cumulative impact of 4 units closely spaced together will be much greater than an individual unit.
- The proposal does nothing to enhance or better reveal significance of conservation area or local landscape
- Applicant admits that development will cause less than substantial harm, however they have not proven benefits outweigh harm as economic benefits overstated

Noise Lighting etc

- Concerns over impact of lighting on wildlife
- No reference to waste disposal solutions or service problems.
- Management plan is not sufficient and does not address ASB or noise pollution which it suggests is inevitable
- Significant concerns about disturbance from late night access, antisocial behaviour, noise until late at night and fire pit / bbq smoke to all nearby residents.
- Can't see how these disturbances can be mitigated

- Note that garden centre has hosted event on weekend nights using marquees which has resulted in music playing until midnight disturbing nearby residents.
- Management plan unenforceable.
- Garden centre already constant source of noise
- Property to the south will be worse affected by noise because there is minimal screening
- Car park lighting of garden centre already major nuisance in the area

Ecology

- Development not necessary and causing harm to the environment
- Changes to the ecosystem
- Space has multiple different species of animal and plant life that would be needlessly affected by development
- People come to village to observe nature and rare and endangered species
- Whole area is noisy due to garden centre and adventure playground. When quiet at night wildlife gets chance to visit site but this will be undone by proposals
- Environment in this area must be safeguarded for future generations
- Noted over course of last 6months that barn owl has left the fields due to the extent of disturbance at the Garden Centre land. The introduction of accommodation boxes will make this worse
- Whilst support the garden centre and what it brings to community, the level of disturbance to wildlife will be too problematic, especially for endangered owls, otters and hedgehogs.
- Numerous references to extent of wildlife that use the field and the extent of fish within the river.
- No reference to wildlife anywhere in the document.

Highway safety

- Inadequate roads into the site. Concerns that turning a limited hours business into a 24/7 one will add to problems of road use and impact on neighbours and village
- Impact on inevitable increase in traffic through the village and the narrow roads
- Car park already too large and shut to walkers when site is closed
- Traffic has become intolerable over last few years with garden centre increasing business and large trucks attending the site
- Walking along lane past garden centre very dangerous
- Village can't cope with increase in traffic
- Large vehicles required to transport containers would exacerbate problem of traffic and highway hazards
- Footpaths limited in area, none available for future holiday users of site to access units.
- Traffic problematic for young children and elderly
- Road and entrance not fit for purpose and is an accident waiting to happen due to very tight junction
- Village attracts a lot of visitors and parking is always a problem. This proposal would result in major traffic and parking congestion through the village, making it difficult for residents to park near their homes and causing health and safety risks.
- No indication on how access to the garden centre car park will be controlled, as it is usually closed after 5.30pm but now will require 24 hour access.
- Concerns that cottages would result in increased night time use. Could attract other people to access car park
- All vehicles have to access a junction onto a very narrow road that lacks marked pavements, is on the corner in the road, next to a children's playground. The application will exacerbate this problem

- Being temporary structures does not help the highway safety implications, just means additional construction traffic
- The children's play park has added pressure to traffic and parking in area already
- No analysis of how many trips guests will make each day or impact of cleaners and services on site
- Development will bring new people who will not be familiar with road network or safety issues in village

Flooding

- Site is located in a flood plain and would not be suitable for holiday homes
- Plans acknowledge flooding in the area
- The sequential test for development in flood zone 2 is biased and inappropriate and site is only chosen for convenience
- No evidence that emergency planners have been consulted
- Any building on a floodplain will lead to flooding downstream

Development concerns

- Too much development in the city detracting from the area
- Developers being deceptive
- No need for this with new hotel in the city and student accommodation available over the summer
- Future derelict site with rusty containers then used as excuse to build houses on site
- Not an asset to the Durham economy and won't enhance tourism or have benefits to the village or its residents
- Once located on site, they will be there to stay - not temporary removable structures
- A pre-cursor to a holiday village, no confidence the development would stop at 4 units
- The use of the word temporary is in place to exploit a planning loophole. It is too large to be considered temporary
- Should not allow blatant commercialism to overcome needs of wildlife, green belt and the local people
- Proposals say they can be easily moved but this is not true as requires major haulage machinery to move them
- Proposals will set a precedent for more to follow
- Can see no evidence that the structures should be considered temporary, can't see how anyone could justify this claim.
- Difficult to see how steel boxes can be compared to a marquee, given their size, need to bolt together and fitted out with kitchen bathroom, with pathways built. Have to be seen as permanent fixtures
- Economic cost not viable if only temporary.
- Proposals will cause unacceptable amount of inconvenience to local residents and people who visit to enjoy peacefulness of countryside. Only developers set to benefit
- Concerns this would be the first phase of numerous phases that would fill the field with containers, leading to later justification for housing on the site. This would ruin the historic and picturesque village
- Only very limited number of jobs would be created and development too small to boost economy
- Costs are a major factor and would mean a poor quality development out of keeping with the village
- Claim that they are temporary is ludicrous as it would require heavy plant machinery to be moved and will be connected to mains services
- Claim to be temporary is disingenuous, if allowed they would quickly assume permanent status

- Development would be one more irreversible step in the transformation of the garden supply business to large multi-functional leisure destination. Business already out of proportion to size of village
- Two 40 foot shipping containers attached together and attached to mains supplies cannot be classed as temporary
- Outrageous that council could even consider the application on beautiful green space.
- Query over what justification there is for placing grotesque shipping containers in the area to help local communities when it will spoil views and tranquillity.
- Turning site into transit camp. Council is destroying the city with student accommodation and misplaced County Hall
- Application argues structures as temporary as marquees, which is not considered accurate as such structures are put up couple times in year for several days. The same could not be true of the boxes which would be on site a significant amount of additional days, which would be even greater disturbance to wildlife.
- Classifying boxes as temporary is a judgement not a fact
- Queries whether change of use granted for storage on this land as currently exists
- Discussion regarding gains to local economy and village are not substantiated, overstated and there are no benefits to the public. Garden centre only expected to gain.
- No mention of foul water services and where will the existing waste storage area be moved to?
- Query over whether council received application to licence the site as a caravan park
- The test of Very Special Circumstances overcoming harm to the Green Belt has not been met by numerous independent reasonable observers
- Allowing this would set precedent in green belt areas
- The reaction of the village is demonstrated by the number of objections received and request that committee attach weight to concerns raised by people that live there and not the solicited response from those who do not live here.
- Claim to be temporary is disingenuous with no binding commitment to remove the structures on a given date. Even if temporary, the damage to the environment would not be temporary.
- Concerns that metal boxes will have run off and lead to seepage of metal into river over time
- Use of containers only to lower economic costs and not environmental costs
- Consider development should consist of more appropriate natural materials in keeping with the area and help support local architects in developing this.
- The development runs counter to views of local residents in area. Hard to see how any cost/benefit analysis would result in an approval, and questions anyone with motivation to support scheme.
- No benefits to tourism, as enough sites for tourists already and no benefit to Shincliffe Village or its residents
- Development would not be profitable if only for temporary period
- Temporary development of this scale and nature is wasteful of resources and damaging to environment
- Spurious claims of being temporary, and if granted approval, it will be harder for LPA to refuse further units being brought on site
- Can see no difference between original and amended proposals - just change in name, seeking to make use of loop hole.
- Sustainability of units is worse based on the amendments due to amount of resources to bring them in and then dismantle
- The reduced red line gives no reassurance to future plans, and queries over where garden centre will move their rubbish dump
- No clear plan for their removal

- No reference to the climate emergency, green belt land helps to offset carbon emissions, the development will not help tackle issues
- Containers will deteriorate.
- The arguments used to support the scheme taken from Durham Tourist Management Plan claiming insufficient quality lodges is untrue, as there is a rapid development of online holiday sites offering large range of accommodation offer. The arguments are out of date and overstated. More recent studies show that current provision more than meets both current and predicted needs.
- The claims about economic benefits to local pubs is overstated and unrealistic as is claims on visitor spend in the wider area
- Proposals will impact on mental health of residents in area
- Nothing temporary about the units given their size and weight and the fact that large machinery needed to bring on site. The way rooms are configured means that needs significant works to fit out.
- Planning statement provides no details of units being moved
- Statement also refers to units lasting much longer than when out at sea, so inferred from this they are never to be removed.
- To make structures appear less permanent, timber terraces and boardwalks removed, leaving ground level seating to look at underneath of containers and assemblage of services
- If this development approved it would require building regulation approval to determine if foundations able to adequately spread load.
- Units not accessible to anyone with disability, counter to Disability Discrimination Act 2010
- Provision for disposal of surface and foul drainage and water and electricity will involve considerable work which means development is permanent
- Claims that development would improve an unsightly area however this could be improved without need to develop it. Many landowners seeking to improve land and wildlife benefits without need to get development improved
- Red line boundary does not include all land needed for the development including access to public highway and provision of foul drainage.
- If units don't get enough business they may become storage units for garden centre
- The extent of opposition from such a small village is significant and should not be ignored
- Financial figures have little accuracy in the analysis and no evidence provided to back up claims
- Claims to sustainability are illusory, what evidence to claim they are green just by putting some timber cladding on outside. No other commitments to sustainability
- This proposal would set a very low bar for what is a temporary building and would set unwelcome precedent
- Recent case law claiming shipping containers should be viewed as buildings
- Eiffel tower was meant to be temporary
- Many claims made that cannot be substantiated
- Unacceptable that profit margin of an individual should trump the happiness of the many in the village
- Note a camper van was on the field recently and whilst did not cause major disturbance residents in village aware of increase in noise and trespass
- No information on the route and size of vehicles needed to bring these units on site
- Why not reinstate the seven stars rather than destroy green belt land
- Reference to help benefit the local business is unfounded as garden centres are known to have done extremely well during the pandemic.
- No reference to new gating (presumably electronic) and pass card access device needed to allow users full time access to the site. Site will become a 24hr a day night time economy service industry

- Would not be cost effective for these units to only be on site for a temporary basis.
- Concerns about constant reference to improving access to the public, when there are no issues of public access and the need for improvements are baseless

APPLICANT'S STATEMENT:

52. Unbox is born out of my passion for both Durham and the environment.
53. It has been pro-actively and fully supported by the LPA for nearly 12-months and reflects the LPA's own guidance on green belt policy in full.
54. Over a year, it has attracted not one single objection from any independent, statutory consultee; not once, but twice.
55. Consequently, it is with genuine surprise that it is now recommended for refusal given agreement that it accorded with all policy, locally and nationally.
56. After so long and in the face of significant misrepresentation, this application could only still exist because my passion is undimmed; a desire to showcase the very best of Durham and highlight that locally-led, low-impact, sustainable green tourism is valued in this County.
57. Conceived, designed and advanced entirely by myself as a local Shincliffe resident, I'm driven to see the North East embrace proposals which treat the environment and economy as equal.
58. Directly addressing apparent opposition to the scheme, I submit the following: Who would not object to something which represented an 'existential threat' to Durham's entire green belt; a proposal brought by faceless developers with complete disregard for the environment who have 'refused to rule out' 40 industrial metal boxes being built on public green belt land which would defile the landscape on your doorstep and remove public access?
59. This narrative has been advanced by a small number of people for over a year; found in Parish literature and even official social media of the local Church where Parishioners have been urged to object.
60. If this depiction bore any resemblance to the truth, my entire statement here would affirm my own outright objection.
61. Green belt protection and environmental improvement motivate me to continue because these values go to the heart of what I am trying to achieve.
- What I have designed constitutes a temporary "built" footprint smaller than a single tennis court, occupying 0.8% of an entirely private location, unseen from nearly every public aspect, targeting carbon-neutral operation.
62. It keeps 95% of the site completely open and would plant over 60 new native trees and 2 acres of wildflower meadow and hedgerow restoration on what is currently a species-poor mown lawn.
63. Crucially, Unbox would permanently re-naturalise a larger part of the green belt than has been in use for over a decade and enshrine, protect and improve permitted access for the benefit of everyone in Durham equally, where no Public Rights of Way exist.

64. The opposite of threatening the green belt, it engenders the best mechanism for improving it which promotes the best of Durham, for all of Durham, and is significantly, uniformly and materially supported by both local residents and businesses alike.
65. Conservatively, it would generate an extra £160,000 locally in visitor spend every year whilst protecting the green belt spatially (occupying an area smaller than in current use, practically unseen from public view), temporally (employing temporary structures avoiding all permanent harm to the ground), and by access (improving and widening permitted access where none exists.)
66. I respectfully urge Members to consider my proposal on the facts and the significance your decision will have on others, such as myself, seeking only to showcase innovation, sensitivity and sustainable tourism where they live, both for the economy and the environment, at a time this is needed more than ever.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

67. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, including impacts on the Green Belt, impact on the appearance and character of the Conservation Area and Area of High Landscape Value, impact on amenity of neighbouring residents, highway safety and issues surrounding ecology and flood risk.

Principle of Development

68. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area and the starting point for the determination of this planning application. The NPPF is a material planning consideration. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

Green Belt Policy

69. Policy 20 of the CDP relates to Green Belt development and states that proposals within the Green Belt will be determined in accordance with national planning policy as detailed within Section 13 of the NPPF.
70. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138, that the Green Belt serves five purposes. Paragraph 149 states that the construction of new buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, whilst Paragraph 150 identifies certain other forms of development as also being not inappropriate (i.e.

appropriate) in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.

71. At Paragraph 147 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in "very special circumstances". Paragraph 148 clarifies that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
72. In consideration of the current proposal, it seeks permission to change the use of the land to house four temporary holiday accommodation structures. Paragraph 150e) identifies that a material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) may be deemed to be not inappropriate so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In assessing whether the proposals fit within this Green Belt exception, it will be necessary to firstly assess the scheme in terms of whether they are caravans and therefore fall to be considered as a change of use of the land rather than operational development. If the proposals can be considered as a change of use, then an assessment is required as to whether the proposals conflict with the purposes of including land within the Green Belt designation; and whether the proposals preserve its openness.
73. The structures are shipping containers that are to be repurposed to create living accommodation and are fully transportable. Aided by a HIAB crane, each unit of accommodation would require the fixing of two containers together by means of bolts and in line with the flood risk assessment requiring floor levels to be maintained at a safe height in the event of a flood, each unit of accommodation would be placed on a stilt system, consisting of 6 per unit. The stilts would be set on the ground, requiring no permanent ground works for their placement on site, with the containers fixed atop. The anticipated timeframe for installation of each unit is suggested at 2-3 hours, with a similar timeframe put forward for its removal from the site.
74. Section 13(1)(a) of the Caravan Sites Act 1968 defines twin-unit caravans as a structure designed or adapted for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices. The Act further states that it should be physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), regardless of whether it is assembled or in two parts. The Act also prescribes the maximum dimensions of a caravan as being 20 metres long, by 6.8 metres wide and 3.05 metres internal height, measured from the floor at the lowest level to the ceiling at the highest level. In the case of the current proposals, the dimensions of each of the units when assembled would measure 12.43 x 5.112 metres with an internal height of 3.021 metres.
75. Objections have been received stating that the units could not be considered as temporary structures, further arguing that no exceptions within Green Belt policy exist to support the proposals. However, in consideration of the criteria above the proposed units are considered to fit with the definition contained within the Caravan Sites Act and officers are satisfied that as caravans, their placement on the land is a change of use of the land and not operational development. In this regard the proposals can be assessed under paragraph 150e) of the NPPF.

Whether the proposals conflict with the five purposes of the Green Belt:

76. Paragraph 138 of the NPPF sets out the five purposes of Green Belt designations, which are as follows:
- a) To check the unrestricted sprawl of large built-up areas;
 - b) To prevent neighbouring towns merging into one another;
 - c) To assist in safeguarding the countryside from encroachment
 - d) To preserve the setting and special character of historic towns; and
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
77. The Durham City Green Belt covers a large expansive area surrounding the city perimeter on all sides with the primary purpose to contain development within the boundaries of this large built-up area and prevent sprawl, in line with the first purpose noted above. Given the size and location of the proposals it is not considered that the change of use of this small area of land would undermine this aspect of the Green Belt policy, nor would it result in, or increase the risk of, neighbouring towns merging into one another.
78. It is noted that the Green Belt designation stops short of covering Shincliffe Village, but tightly surrounds its perimeter. At the south west corner of the village, the Green Belt excludes the buildings associated with the Garden Centre but takes in the hardstanding areas surrounding these buildings. The application site would be located just within the boundary of the Green Belt, directly adjacent to the built-up edge of the Garden Centre to its east. It is clear that the purpose of the Green Belt in this location is intended to assist in safeguarding the countryside from encroachment and also preserve the setting and special character of the historic town, the Shincliffe Conservation Area in this case.
79. Part of the application site consists of a hardstanding gravelled area which is currently used by the Garden Centre for storage, and has done so, according to aerial views, for over 10 years, making it an established use of this part of the site. As such an element of encroachment already exists, and forming part of the rear service area of the Garden Centre, it is functional in appearance and does not positively contribute to the countryside or conservation area.
80. Changing the use of this already developed area of land along with the adjoining undeveloped land to allow the siting of four temporary holiday units, would have a degree of encroachment into the open countryside, but the extent of this encroachment is considered reduced by reason that part of the land is already developed, the proposals themselves would not constitute operational development but rather would consist of a temporary installation that can be removed without permanent harmful impacts on the area, combined with the extensive landscaping proposed to enhance and naturalise the developed area. There is still an identified conflict with part c) of the 5 purposes of including land within the Green Belt designation as highlighted in NPPF paragraph 138.
81. Similarly in relation to the purpose of the Green Belt to preserve the setting and special character of historic towns, the proposals have been identified by both the applicant and the Council's Design and Conservation Officer as resulting in some harm to the Shincliffe Conservation Area, however, the extent of this harm would be less than substantial. Whilst further detailed consideration of this is provided in the relevant section below, in consideration of the scale of the proposals and their location adjacent to a working part of the modern Garden Centre buildings, and the proposed landscape enhancements, the proposals are not considered to wholly undermine the purpose of the Green Belt in this location to preserve the setting and character of the conservation area. However, the LPA recognise that in spite of this,

there remains some conflict with purpose e) of the Green Belt policy outlined in NPPF paragraph 138.

82. The proposed change of use of the land would result in the reuse of a small area of developed land at the edge of the settlement, by removal of the hardcore area and by greening the space with a range of planting. As such whilst the proposals introduce some new development, it would be temporary and reversible, but the landscaped area would be retained allowing for some level of regeneration.
83. To summarise, in consideration of whether the proposals conflict with the purposes of including land within the Green Belt designation, as outlined above, there is an identified conflict in relation to two of the purposes, namely assisting in safeguarding the countryside and preserving the character of historic town, however the extent of conflict is considered to be limited. However, even this limited conflict it sufficient to render the proposal other than appropriate development under paragraph 150 of the NPPF.

Openness of the Green Belt

84. In consideration of whether the development preserves the openness of the Green Belt, from a spatial aspect there would be a clear westward extension into a green field space. The Garden Centre itself, although on site since the 1970s, already presents as a noted westward divergence from the village edge, with hardstanding areas extending southwards and westwards into the designated Green Belt zones. The storage area at present extends 36 metres west of the rear hardstanding access and is currently a gravelled hardstanding area containing a range of materials associated with the Garden Centre business, and measures approximately 450 square metres. The red line application site would take in this storage area and extend a further 50 metres westwards with a total size of 1,810 square metres. However as part of the proposals, the gravelled area would be restored with the whole site re-naturalised and returned to grass, in conjunction with additional hedge and wildflower planting, whilst the area of land taken up with the four holiday accommodation units would amount to some 254 square metres, each individual unit equating to 65 square metres, spread across the application site. In the spatial context, although development is shown to extend westwards, beyond the current extent of development, the overall amount of developed area would be less than the current area of hardstanding. Given the extent of planting and re-naturalisation on site, and the small area taken up with development by comparison to the existing situation, the extent of harm from a spatial point of view is considered limited.
85. In visual terms, when considered from ground level perspective, currently the site is screened from most views and public areas due to the Garden Centre buildings to the east, established hedge planting to the north and the 1.8 metres high timber fence that runs east west along the south boundary of the storage area. From the footpath to the west of the site by the river, there are views of the storage area when looking directly east, however this is seen in the context of the garden centre and the array of buildings at this point.
86. The proposals would introduce four separate structures dispersed across the width of the red line application site boundary with each measuring no higher than 4 metres. The timber fence would be removed, opening up views into the site from within the grounds of the Garden Centre, but extensive planting is proposed to ameliorate the structures into the surrounding environment and they would be seen against the backdrop of existing established hedgerow that currently measures from 3 -6 metres high along its length. Viewed from the north and north west, when walking along the track by the river, the units would be largely screened by the

established hedgerow boundary but there would be intervening views of the top section of the units however viewed against the backdrop of the Garden Centre buildings. Similarly from the playground to the north east the existing hedgerow would provide a good level of screening. Overall from varying north viewpoints, although there would be some partial visibility, they would not appear as a significant intrusive element in the landscape, due to the extent of existing and proposed planting, and further aided by the proposed timber cladding materials.

87. Views from outside the site would be contained and screened by existing buildings and planting, the latter well established along the south and east boundaries of the wider Garden Centre site, although subject to seasonal changes. There would be some limited views from the south and south east when walking along Hall Lane and the track that veers west from Hall Lane towards the riverbanks. However given that current views are largely bounded by the existing field hedgerows and the tree embankment further north along the disused railway track, it is not considered that the openness at this part of the Green Belt is detrimentally effected in visual terms.
88. Walking further north along Hall Lane, views of the upper half of the existing garden centre buildings start to become visible, the highest of these including the storage building and main café building, measuring some 5.5 and 5.1 metres respectively. Whilst these stand out they appear nestled within the surrounding established planting and are no higher than it, and they would block views of the proposed units when looking directly west towards the application site. Standing at the south east corner just outside the Garden Centre site, there is expected to be some long distance views across the site with the units discernible in the distance, but again, seen against the backdrop of existing trees.
89. There are no clear guidelines on how to assess when development results in harm to this openness, being essentially a matter of judgment. Various Court decisions have considered these facts and in one such judgement notes that it is clear from the preamble of paragraph 150 of the NPPF, that development is required to preserve the openness of the Green Belt, but this is not intended to mean that a proposal can only be regarded as 'not inappropriate in the Green Belt if the openness of the Green Belt would be left entirely unchanged' (Samuel Smith Old Brewery (Tadcaster) case - Court of Appeal ([2018] EWCA Civ 489, para.39). It is accepted that the meaning behind this preamble is that the effects on openness must not be harmful. The addition of four accommodation units on site are considered to clearly add development beyond the edge of the settlement and introduce caravans that have not been in place before. This undoubtedly results in harm, but the extent of this harm is not considered to be significant given the cumulative footprint of the caravans by comparison to the footprint of the storage area, the limited visibility into the site, the extent of existing and proposed planting that would, over time, provide some screening to ameliorate the units, and the small scale and size of the units relative to the site as a whole. In addition the temporary nature of the units and the fact that they would not equate to operational development on site, meaning that any impacts are reversible is considered to also play a big part in reducing this harm.
90. This aside, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attributed to any harm. However, as highlighted above there can be varying degrees of harm in the Green Belt and the extent of weight afforded to this needs to be weighed up as part of the planning balance. In this circumstance, given the specific location, the details and scale of the units and wider enhancements proposed, including removal of the storage area, there is considered to be reasonable mitigating factors to weigh in favour of the proposals, but harm is nonetheless identified. Accordingly, as the proposal would fail to preserve the openness of the green belt and would also

conflict with purposes (c) & (d) of para 138 NPPF for including land in the green belt, the proposal therefore represents inappropriate development.

Very Special Circumstances

91. As already stated, NPPF Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in "very special circumstances". Paragraph 148 clarifies that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
92. In support of the proposals, the Planning Statement makes reference to an emerging local company seeking to set up an innovative business in partnership with the established Garden Centre to create a sustainable tourist accommodation site. The proposals are highlighted as being carefully planned and thought out to bring out the best of the proposed site, whilst limiting and mitigating against any potential negative impacts, including through significant environmental and ecological enhancements that would involve over 5,500 square metres of wildflower meadow planting, hedgerow restoration and new shrub planting of some 2,100 square metres, and new planting of just under 50 native trees.
93. The proposals also seek to retain and improve public access arrangements within Garden Centre land along its south and west paths and have sought to site the proposals in a location that fully avoids impacting on these already used access routes. The routes are not public rights of way but are permissive routes within private land owned by the Garden Centre. The development has been specifically designed to protect and enhance these routes.
94. The addition of tourist accommodation has also been highlighted as providing increased spend in the local economy and provides an opportunity for additional employment through servicing the units, whilst also generating increased demand on local services, which in turn may open up further employment opportunities. Its location would mean that it would be suitably located close to existing PROWs as well as permissive routes granting ready and sustainable access to Durham City and the various tourist offer in this location.
95. The proposals are also identified within the Planning Statement as improving the visual amenities at this part of the Conservation Area and Area of High Landscape Value by removal and re-naturalisation of the storage hardstanding area
96. All of these aspects associated with the proposals are noted, with Visit County Durham expressing support for this type of accommodation in this location, further highlighting that overnight visitors contribute significantly more to the local economy than day visitors. In addition the proposals for holiday accommodation would find policy support under policy 8-3 of the CDP in relation to Visitor Accommodation and would be considered to broadly meet the criteria within this policy. However the scale of the proposals at four accommodation units would not be considered large enough to create a significant uplift in the economy such that 'very special circumstances' would exist. That said, there is a clear advantage to a small-scale scheme sustainably located with ready access to a vast array of tourist amenities providing a small uplift to the economy and having limited visual harm to the area by reason of its size, than a large scale scheme that generates more income and benefits to the economy but creates significant effects on, and changes to, the visual amenities of an area. In any case, having assessed the details in support of the application, it is

not considered that a viable case for 'very special circumstances' exists that would clearly outweigh the harm arising by the inappropriateness of the development.

Conclusion on Principle of Development

97. In considering the acceptability of the proposals in principle, the key determinant relates to whether the development is deemed appropriate within the Green Belt, through preservation of its openness and through not undermining the reasons for the land to be designated within the Green Belt in the first place. Policy support attributed to the scheme through policy 8-3 of the CDP in relation to Visitor Accommodation carries some weight but would not override any potential harm to the Green Belt.

98. Following the detailed assessment above, harm has been identified through encroachment into the countryside, along with the impact on the setting of the Conservation Area, thus conflicting with two of the five purposes of the Green Belt. Further impacts on the openness of the Green Belt have also been identified, with some visibility of the units attained outside the site and appearing as clear development outside the settlement edge. Substantial weight needs to be applied to this harm and 'very special circumstances' have not been identified in this case.

99. As already outlined, the temporary nature of the structures and the fact that the proposals would not result in operational development means that any impacts are fully reversible. The level of impact on openness is not deemed wholly detrimental to this part of the Green Belt, with removal of the storage area and landscape enhancements to the immediate site and surrounding field area to the west and north west providing substantial benefits. The units themselves are of a small scale with suitable materials proposed for each of the units to allow them to better merge with the wider landscape setting.

100. As noted in the Public Responses section of the report, a large quantity of objections referenced conflict with Green Belt policy, noting impact on openness and insufficient public benefits to outweigh any harm. These are considered material planning considerations and have formed part of the assessment of the proposals against Green Belt policy, with detailed analysis provided in relation to the extent of harm resulting from the proposals.

101. A recommendation of approval or refusal is very finely balanced in this case, however, the LPA recognises that in accordance with paragraph 148 of the NPPF, any harm should be given substantial weight and in this instance, it is considered there is a case for refusal of the proposals.

Impact on the Character and Appearance of the Shincliffe Conservation Area and Listed Buildings

102. In assessing the proposed development regard must be given to the statutory duties imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990. Firstly, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker 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. Secondly, the LPA must pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. If harm is found any such harm must be given considerable importance and weight by the decision-maker.

103. The requirements set out in the legislation are reflected in policy 44 of the County Durham Plan which seeks to ensure that developments 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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
104. As part of the objections received, significant concern was raised in relation to the impacts of the development on the special qualities of the village and its heritage value. It was commented that the structures would be more suited to an industrial estate and would not be consistent with the character or appearance of the village and cause damage to the historic village and the wider landscape.
105. Design and Conservation assessed the details of the proposals and provided detailed comments, noting that the historic focus of the conservation area is the medieval street and village green area that has agricultural origins, today characterised by its architectural diversity of high quality 17th, 18th and 19th century buildings. These combine with the tree-lined verges, of various interesting levels, the rising and falling of the accompanying footpaths, to create a distinctive and intimate historic villagescape of high quality. Included within the historic core of the village are several listed buildings scattered along both sides of the green. The village expanded mainly northward during the mid-late 20th century.
106. The Conservation Area boundary extends well beyond the built-up part of the village, encompassing the surrounding paddocks, fields and river embankments designated to preserve the village's intrinsic historic connection to the surrounding countryside and its scenic landscape setting. The value of this landscape is reinforced by its inclusion within the Green Belt and Area of High Landscape Value. The application site is shown to be one of a series of long narrow plots stretching outwards from the village towards the river in c.1839. The land is possibly then part of a large orchard in c.1860, but this is not shown on the 2nd edition Ordnance Survey plan c.1895. At this time a garden house appears in the north east corner with some other buildings of unknown use. This arrangement exists up until the 1970s, when the garden centre was developed in the eastern part of the site, with the rest of the land remaining undeveloped up to the present day.
107. The submitted Heritage Statement in support of the proposals was assessed, Design and Conservation commenting that it is well detailed and accurately captures the evolution and significance of the site and its context concluding that significance is twofold. The merits of the western part of the site as part of the existing fields is high in its context to the rural landscape setting of the village contributing positively to the conservation area in this respect. In contrast the eastern part of the land in use for storage and rubbish denoted by a hard edge, where the character as part of the landscape has already changed, currently makes no positive contribution.
108. In consideration of the impacts of the proposals on listed buildings, Design and Conservation highlight that within some 500m of the proposed development site a number of listed buildings exist within the village, including Corner House (grade II), The Old House (grade II), Willow House (grade II), Laxey Cottage (grade II), St Marys Church (grade II). At approximately 600 m to the south is Shincliffe Hall (grade II), and its associated garden wall, boiler house, and east courtyard range (grade II). It would be anticipated that because of the intervening topography, tree coverage, and existing built development there would be either nil or limited intervisibility between the assets and the development proposal. As such the proposal would not visually influence or adversely affect the appreciation, understanding or experience of their

heritage values as referenced by views, sustaining and conserving their individual and overlapping settings.

109. In terms of the development itself, Design and Conservation comment that the conceptual design is modular, contemporary and novel and would be unopposed on design grounds. However in spite of this and the proposal being low density, it would still be considered to cause harm to the character and appearance of the Conservation Area as recognised in the applicants own submitted Heritage Statement.
110. As stated previously, the subject site relates to a plot of agricultural land that going back as far as the 1st edition OS map (c.1856) has largely always been undeveloped. Despite the in-use eastern part of the site it mostly sustains its openness and scenic rural qualities as part of the landscape around the village contributing positively to its setting and the character and appearance of the Conservation Area. The development proposal by introducing new built form onto the land would change and impact upon its open undeveloped character. The proposal would result in built encroachment into the countryside surrounding the village that would not appear assimilated. This would be due to the existing garden centre being at odds with the historic grain and plan form of the village, the proposal compounding this impact by a further incohesive extension westwards.
111. It is acknowledged that because of intervening factors such as the varying topography, trees, vegetation, and from certain vantage points, existing built development, the visual impact would be limited. This is demonstrated in the series of photographs presented within the Heritage Statement, but it would still represent a harmful incursion in this open countryside location. The Conservation Area was designated in 1976 with a wide boundary drawn to include the open countryside that surrounds the built-up historic core of the village intentionally to sustain, conserve and protect the undeveloped nature and rural character of the landscape.
112. In agreement with the Heritage Statement, the storage area part of the site is unsightly and is not a positive element, and could be visually improved. But notwithstanding the storage area some harm would still occur within the Conservation Area. The level of harm is considered to be correctly quantified within the conclusion of the Heritage Statement page 28 stating "*It is concluded that the cumulative impact would be less than substantial harm to the character and appearance of the conservation area*".
113. From the Design and Conservation point of view therefore there is some conflict with policy 44 of the County Durham Plan and the guidance contained in section 16 of the NPPF. The level of harm is identified as being "less than substantial". Therefore, NPPF paragraph 202 is relevant which states the harm should be weighed against public benefits. The Planning Policy Guidance (PPG) identifies public benefits as anything that delivers economic, social or environmental objectives as described in Paragraph 8 of the NPPF. Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, the PPG further states that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
114. Paragraphs 78-83 above have already outlined the benefits associated with the proposals. Whilst the benefits highlighted were not considered 'very special circumstances' in terms of Green Belt considerations, they are nonetheless accepted as benefits to the scheme, with the significant environmental and ecological

enhancements to the wider area deemed of particular value, which would introduce some benefits to the Conservation Area as well as the Area of High Landscape Value. In addition there is further merit in provision of small scale tourist accommodation which would allow for some business diversification for the Garden Centre, creation of a limited number of jobs and provide a boost to the visitor economy, the benefits of which would be spread across a number of businesses within the local area and Durham City.

115. On balance, the public benefits identified are considered to weigh in favour of the proposals and would be considered to satisfy the criteria and requirements of the NPPF and local planning policies. Some harm would be caused to this part of the Conservation Area as identified, but this is considered less than substantial, outweighed by wider improvements to the area and the limited economic benefits already identified. The proposals are considered to find accordance with policy 44 on this basis.

Impact on character and appearance of the Area of High Landscape Value (AHLV)

116. The site lies in an area identified in the County Durham Plan as an Area of Higher Landscape Value (AHLV). Policy 39 states that development affecting AHLV will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. Principle views of the site would be across open attractive fields from the permissive Riverside Walk to the southwest along the River Wear and from the Weardale Way (Hall Lane) to southeast.

117. Landscape section assessed the details of the proposals and noted that from the perspective of the AHLV, in these views, whilst the holiday accommodation would not afford effective year round screening contrary to Policy 8 (Visitor Accommodation), the proposal would be viewed either in the context of the garden centre and other built form and against the backdrop of the existing hedgerow with the proposed timber cladding helping to reduce the impact of the structures and helping to assimilate the development into its surroundings. Subject to the successful establishment of the proposed landscape planting to help to soften the proposal, the significance of any negative effects generated from the proposal would be in time reduced to an acceptable level and the structures would not have an unacceptable impact upon the landscape quality or appearance of the AHLV. There would also be some positive visual benefits from the proposal with the removal of the area of hardstanding which is used for storage associated with the Garden Centre.

118. The enhanced landscaping on the revised Landscape Masterplan (ref: UNB-COL-00-XX-DR-L-1000-08) was further assessed by landscape section who noted the proposed use of native species to restore historic boundaries and tree lines. In consideration of the details the proposals are appropriate to this open countryside location, but the enhanced landscaping of the wider site outside the red line boundary would need to be secured by planning condition. The proposed cladding of the cabins in British Western Red Cedar or Larch will, if left untreated, bleach to a silver patina and help the cabins to blend in with their surroundings.

119. Overall there are no significant concerns from landscape point of view and anticipated impacts on the AHLV are considered acceptable subject to conditioning the planting scheme in line with requirements set out in policy 39. Although some conflict with policy 8-3 is noted, given existing features, topography and vegetation and the scale and proposed finish of the units, this conflict would not be considered sufficient to warrant refusal on the basis of this policy.

Sustainable Design

120. Policy 29c and d requires that all development should seek to minimise greenhouse gas emissions, seeking to achieve zero carbon buildings as well as minimise the use of non renewable and unsustainable resources and ensure waste reduction and appropriate reuse and recycling of materials.
121. As a change of use of land for installation of temporary buildings consisting of re-purposed shipping containers, extensive groundworks including laying of foundations and use of concrete can be wholly avoided, and with extended service life of the re-used containers, there is considered to be adherence to part d of policy 29. In this way, the site is protected from significant environmental disturbance and can be returned to its original state, noting the proposed enhanced landscaping intended as part of the scheme, which would go some way towards offsetting carbon emissions.
122. Although no specific details are provided in relation to installing PV arrays as part of the scheme, there are considered to be efficiencies in terms of the units small size to allow suitable insulation as well as passive solar heating gained through large glazed areas from the south facing orientation of the units on site. Longer term aspirations are referenced within the planning statement for potential installation of PV arrays on the adjacent garden centre business, which could feed domestic batteries for use by the holiday accommodation units, however, this does not form part of the current proposals.
123. Overall, given the scale and nature of the proposals, along with significant enhanced landscaping, the proposals are considered to comply with requirements set out in this part of policy 29.

Impact on residential amenity

124. Policy 29 requires that all development achieves well designed buildings and places having regard to supplementary planning documents and: e) provide high standards of amenity and privacy, and minimise the impact of development upon the occupants or existing adjacent and nearby properties.
125. Policy 31 states 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance, or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and / or community facilities do not have any unreasonable restrictions placed upon them as a result.
126. Nearest residents to the application site would be Poplar Tree House at 113 metres due east of the site, Sparks Cottage and Old England, 152 and 190 metres south east respectively and residents along Low Green to the north west at 138 metres. The distances involved are considered reasonable and sufficient to ensure impacts on these nearest residents would be very limited, particularly as the existing Garden Centre buildings and grounds provide an intervening and sizeable buffer. There are no concerns that the proposals would represent visual intrusion or

loss of outlook or privacy to any of these nearest residents, given the distances involved.

127. The proposals would introduce new activity to the rear of the garden centre business. It is anticipated however, that during the opening hours associated with the garden centre, any comings and goings of visitors or on site activities by them would be considered to have negligible additional impacts over and above the day to day running of this commercial business. Night-time activities may result in some additional noise, but given the scale of the development of four units and the limited occupancy, this would not be deemed excessive. The applicant's submitted details of a management plan in lieu of concerns raised by nearby residents relating to noise and disturbance and music playing. These details were considered by Environmental Health section who considered that the information submitted was satisfactory from their perspective, requesting it be conditioned as part of any approval.

128. In light of the above details it is not considered that a refusal could be supported on the basis of impacts on residential impacts, given the distances involved and the scale of the development. Any approval would be subject to a condition for adherence to the management plan along with a further condition preventing introduction of any external lighting. The proposals therefore do not conflict with policy 29 or 31 in this regard.

Parking, Access and Highway Safety

129. Policy 21 requires that the transport implications of development must be addressed as part of any planning application. All development is required to deliver sustainable transport by, where relevant, accommodating investment in safe sustainable modes of transport; providing appropriate and well-designed routes for walking, cycling and public transport access; ensuring any vehicular traffic generated by new development can be safely accommodated on the highway network and does not cause an unacceptable increase in congestion; and ensuring that new or improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or historic environment.

130. Significant concern and objection has been raised with regards existing traffic from visitors attending the garden centre along with delivery trucks, noting that the junction from Low Road to Hall Lane is narrow and awkward creating a potential accident risk. Further comments were received regarding extent of on street parking from visitors to the area accessing the newly refurbished play area and nearby walking routes, citing the current proposals would exacerbate the current unacceptable highways conditions in the area.

131. Although the comments are noted and discussions with the highways officer took place in terms of the safety of the junction, the nature of the scheme proposed, its small scale and limited occupancy, would not be expected to create any significant or severe impacts on highway safety such that a highways refusal could be sustained. The proposed use of the land would create a very limited amount of vehicle movements, negligible against existing comings and goings associated with the commercial business on site. In this way it would be unreasonable to require any works to the junction on the basis of the proposed use on site. In addition, the proposed location of the units would allow ready access to sustainable modes of transport other than the private car, due to close proximity of footpaths and nearby tourist attractions.

132. Although there may be implications in terms of delivering and removing the units on site by means of large trucks, this would be very limited in terms of overall traffic movements and would not be considered to cause severe impacts on the highway network or substantially impact on highway safety.
133. Following highways assessment of the proposals noting suitable access and sufficient parking, they raised no objections to the proposals. On this basis the scheme is considered to comply with policy 21 in this regard.

Flooding issues

134. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment where appropriate.
135. The application site is noted as being approximately 110 metres from the River Wear, which is located to its west. The site is identified as being located within Flood Zone 2 and would be classed as a 'more vulnerable' development, in accordance with Defra and Environment Agency guidance relating to flood risk assessment when applying for planning permission. Based on this classification development of this type in this zone would be considered appropriate but would be subject to submission of a full flood risk assessment, which has been submitted in support of the application.
136. The Environment Agency assessed the details outlined in the report and considered them to be satisfactory, raising no objections. They require a condition be applied to any approval requiring that the development is carried out in accordance with the recommendations set out in the FRA, including ensuring that the finished floor levels of each of the units are set above identified potential flood level and that no development should take place within flood zone 3.
137. As part of the FRA, reference is made to a flood evacuation plan including a proposed evacuation route and means of notification in the event of a flood impacting on the application site. These details were assessed by the Civil Contingencies Unit within the County Council and were found to be satisfactory, noting that these evacuation routes must be made clearly available to all using the site when occupied. A condition could be applied to any approval requiring this.
138. In consideration of the above, the details submitted indicate that consideration of flood risk impacts have been assessed and are found to be satisfactory in accordance with policy 35.

Ecology

139. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

140. The proposed change of use of the land to install 4 holiday accommodation units would have limited impact on the biodiversity of the site, given the proposed location adjacent to the garden centre business and the limited extent of works required for their installation. Although part of the development would be on a green field site, this is largely grassed over and existing planting, including hedges and trees would be retained and further enhanced as part of the proposals.
141. Objections were submitted raising concerns that the proposals would negatively impact on biodiversity in the area due to visitor activity introducing noise, lighting and other general disturbance associated with using the accommodation, to the detriment of wildlife that currently benefit from uninterrupted use of the land when the garden centre business is closed. However it is noted that presently ready access can be gained to this land along footways west of the site adjacent to the River Wear beyond the opening hours of the business. Although not an official PROW, it nonetheless already opens the site up for some limited activity associated with walkers using these routes to access other PROWs. It is nonetheless accepted that the holiday accommodation would introduce further activity, but the scale of the development and occupancy levels are limited and significant negative impacts on wildlife in the area would not be expected, particularly as the development is contained and bounded by planted areas adjacent to the built-up part of the garden centre business.
142. In addition, and as detailed within paragraph 2.28 of the Planning Statement Addendum (received 14 June 2021) considerable additional planting is proposed, including planting of some 50 native trees to restore and enhance existing historic tree and hedge lines. Along with this, the creation of approximately 5,500 square metres of wildflower meadow grasslands on the wider site would provide significant biodiversity enhancements over the existing species poor mown lawn.
143. Ecology section assessed the details of the scheme and raised no objections to the proposals. The details associated with the enhanced planting and introduction of wildflower meadow were welcomed and noted as a biodiversity net gain. Any approval however would be subject to a condition requiring the submission of a Biodiversity Management Plan in order to ensure that the wildflower habitats are managed correctly and suitably retained for the long term. In addition, as already referenced any approval would also be subject to a condition preventing introduction of any external lighting.
144. On this basis, the scheme is considered to comply with relevant policies associated with biodiversity requirements.

Public Comments

145. The application has generated substantial public interest. The various comments have been comprehensively summarised in the Public Responses section (paragraph 47-51 of the report) and duly appraised and considered as part of the assessment of the proposals.
146. The letters of support are noted and formed part of the consideration of the deemed merits and benefits of the development. In this case, however, and as noted under the assessment relating to Green Belt policy, the benefits were not considered to amount to very special circumstances such that, in the opinion of the LPA, an approval for this scheme within the Green Belt could be granted.
147. The wide range of objections received raised numerous material planning considerations that have also formed part of the assessment of the proposals. The

various concerns raised with regards conflict with Green Belt policy and lack of 'very special circumstances' have been considered and addressed as part of the principle of development section of the report, the outcome of which did identify harm to the Green Belt providing grounds for refusal.

148. Other concerns raised with reference to the amenities of the area including the Conservation Area and Area of High Landscape Value have also been taken into consideration with views from relevant consultees sought to determine the acceptability or not of the level of resultant harm along with suitability of mitigation proposed. As noted in the relevant sections above from paragraphs 89 – 106, the assessment and consideration of the various concerns raised did identify some harm, but this was not deemed so significant to warrant a refusal. Similarly, although some concern was raised with regards noise and disturbance, upon further assessment, amenity on nearest residents would not be considered to be unduly impacted by the proposals, but any approval would be subjected to conditions to ensure some control should issues arise.
149. A significant number of objections raised concerns over highway safety, however, the small scale of the proposals would not create a significant additional impact on the highway network such that a refusal could be sustained. Issues surrounding flooding and ecology impacts have also been duly addressed, with no sufficient grounds identified that would warrant a refusal.
150. Further concerns have been raised with regards setting a precedent with potential for future applications submitted seeking additional units to be installed on the site. These concerns are acknowledged but the determination of this application must be on the basis of the scheme submitted. An approval for the current scheme could not provide any certainty that further additional units on site would be deemed acceptable, given the sensitivities of the site. In any case, as submitted, the current proposals have been identified as resulting in harm to the Green Belt and deemed to conflict with policy in this regard.

CONCLUSION

151. The application site is contained within a highly sensitive location that presents significant challenges to development due to various restrictive planning policies relating to Green Belt, Conservation Area, Area of High Landscape Value and Flood Zone designations. The proposals have been assessed in detail and against all relevant policies that seek to effectively manage and control development in these sensitive areas highlighted. In general, whilst the development has successfully demonstrated compliance with most policies identified throughout the report, the main issue of concern relates to the location of the development within the Green Belt, whereby the proposal amounts to inappropriate development and harm has been identified contrary to policy 20 and Part 13 of the NPPF, sufficient to warrant a refusal in this case.
152. The range of opinions expressed for and against the proposals have been considered and given due regard as part of the assessment. In the opinion of the local planning authority, however, grounds for refusal can only be sustained on the basis of conflict with Green Belt policy. On balance the concerns raised in this regard are considered justified in this case and a refusal is therefore recommended.

RECOMMENDATION

That the application be **REFUSED**, for the following reason:

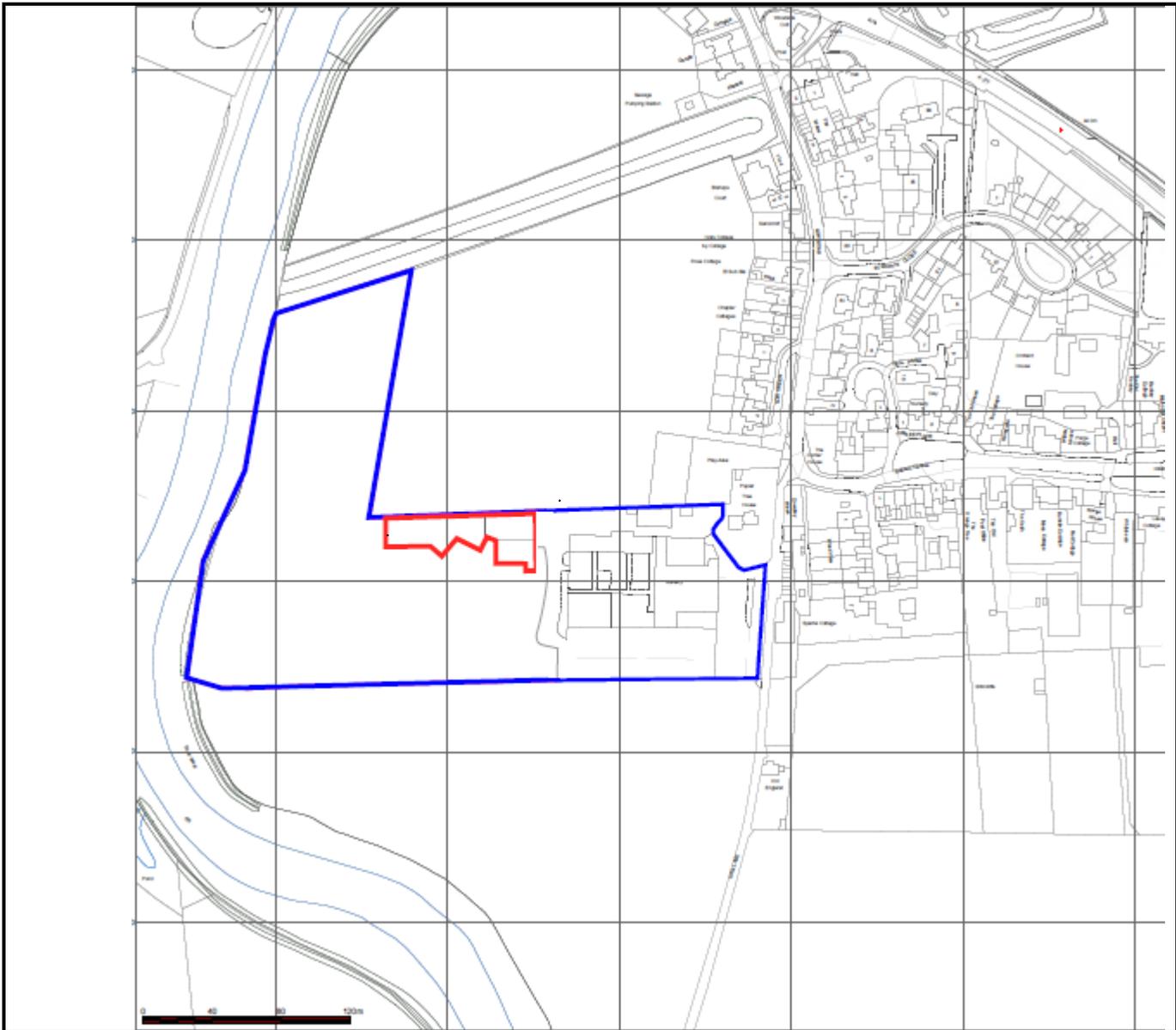
The proposals are considered to be inappropriate development, causing harm to the openness of the Green Belt and would conflict with two of the five purposes for including land within this designation, contrary to paragraph 150 of the National Planning Policy Framework and Policy 20 of the County Durham Plan. There are no very special circumstances which would clearly outweigh the harm arising by reason of inappropriateness.

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
National Planning Policy Framework (2021)
National Planning Practice Guidance Notes
County Durham Plan
Statutory, internal and public consultation responses



Planning Services

Change of use of land for the siting of 4 no. holiday accommodation units with associated parking and landscaping (amended title) at Land to the west of Poplar Tree Garden Centre Hall Lane Shincliffe DH1 2NG

Application Reference: DM/20/03538/FPA

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/01611/FPA
Full Application Description:	Demolition of Existing Bingo Hall and erections of 1no. 4 Storey Purpose Built Student Accommodation with associated parking, and servicing facilities
Name of Applicant:	Durham Grove Limited & Majestic Bingo
Address:	Apollo Bingo Front Street New Durham Durham DH1 2EP
Electoral Division:	Belmont
Case Officer:	Leigh Dalby (Senior Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located on the Northern side of the A181 Front Street/Sherburn Road, to the East of Belles Ville/Mill Lane and to the west of Frank Street. The surrounding area is predominantly residential in character although there are commercial units near to the site, to the East, West and South with Dragonville retail, business and industrial park approx. 130m to the East.
2. To the East of the site is a 3 storey flatted development, with bungalows to the immediate north. Two storey housing lies to the west, and south of the site on the opposite sides of Mill Lane/ Belles Ville and Front Street/ Sherburn Road.

3. The current application site area is approximately 2,392m² (0.24 hectare), which comprises of a relatively level site, laid to hardstanding with a 3 storey bingo hall with car park to the west and north. To the immediate east of the site stands the 3-storey residential development known as Lantern Court.

The Proposal

4. The proposal seeks planning permission for the demolition of the existing bingo hall and the erection of 1No. 4 Storey, Purpose Built Student Accommodation facility (PBSA) with associated parking, and servicing facilities that would contain 128no. beds, with ancillary facilities.
5. The proposed building would be approx. 12.0m in height for 4 storeys reducing to approx. 9.0m for the 3 storey element. The building is laid out within a loose U form with 4 storey frontages to the roads to the South and West, and a reduced 3 storey frontage to the North. The proposal would include an internal parking, and servicing area.
6. The application is reported to the Planning Committee at the request of Councillors E and L Mavin and Councillor Fletcher to allow local residents to relay their objections to the proposal direct to the committee.

PLANNING HISTORY

7. Whilst there is no history considered relevant to this proposal, a summary of the recent planning history is as follows:
 - 4/04/01128/FPA, Erection of single storey pitched roof extension to side to provide toilets, and provision of access ramp and balustrade – Approved.
 - 4/07/00257/FPA - Erection of smoking shelter and associated enclosure to west elevation of existing building – Approved
 - 4/12/00761/AD - Various illuminated and non-illuminated signage. Approved.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although 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.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following

elements of the NPPF are considered relevant to this proposal;

10. NPPF Part 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.
11. 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.
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 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.

17. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

LOCAL PLAN POLICY:

18. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
19. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. Policy 6 (Development on Unallocated Sites) supports 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, or heritage value; is appropriate in scale, design etc to character of the 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.
21. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provide 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.
22. 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; 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 should have regard to Parking and Accessibility Supplementary Planning Document.
23. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the

development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

24. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
25. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
26. Policy 28 (Safeguarded Areas). Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar.
27. Policy 29 (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'.

28. Policy 31 (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.
29. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
30. Policy 33 – (Renewable and Low Carbon Energy) – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
31. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water
32. Policy 44 (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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

33. The following comments were received following consultation with Statutory and Internal consultees.
34. **DCC Highways** – No objection
35. **DCC Design and Conservation** – Raised strong concerns in relation to the loss of the non-designated heritage asset and the public benefit that the proposal will bring; concerns also raised in relation to the scale, design and lack of external amenity space. In conclusion the team consider the proposed development to be contrary to sections 12 and 16 of the NPPF, and Policy 16, 29 and 44 of the County Durham Plan.
36. **DCC Env. Health Statutory Nuisance** – No objections subject to conditions
37. **DCC Environmental Health (Contaminated Land)** – No objection subject to conditions
38. **DCC Drainage and Coastal Protection** – Advise that they approve the treatment of surface water prior to leaving the site; however, further advise that the option of connecting to the highway drain is investigated. They also note that they would approve the connection in principle and the connection would be process through Section 50 of the Highways Act.
39. **DCC Ecology** – No objection subject to conditions securing the recommendations within the submitted Bat Survey.
40. **DCC Education** – No objection to the proposal, and no contribution required.
41. **Met Office Safeguarding** – No objections.
42. **Belmont Parish Council** – Objects to the proposal and consider the development fails to meet the requirements of Policy 16(2) of the County Durham Plan. The Parish Council considers that the application does not identify a genuine need for additional student accommodation of this type, in this location. The applicant has failed to undertake consultation with the relevant education provider in relation to the identified need and that the proposal would result in the loss of a bingo hall which is a much-loved leisure and tourist facility for the local community.

In addition, the proposal would result in a development that does not reflect the layout, character, scale and appearance of the local area in accordance with policy 29 of the CDP. The development would also result in an unacceptable level of impact upon the amenities of surrounding residents with regard to overshadowing and disturbance from future residents.

NON-STATUTORY RESPONSES

43. The following comments were received following consultation with non-statutory consultees:
44. **NHS** – Confirms that there is no requirement for any financial contribution to improve existing health facilities or to add new provision.
45. **Durham Constabulary (Architectural Liaison Officer)** – No objections to the proposal but recommends that the developer should consider the Secure by Design principles.
46. **DCC Regeneration and Economic Growth** – No objection.

MEMBER OF PARLIAMENT AND COUNTY COUNCILLORS

47. Mary K Foy (Member of Parliament for City of Durham) objected to the proposal. A summary of those points of concern are:
 - Development will be out of keeping with the surrounding area and would appear incongruous within the streetscene
 - Loss of community facilities
 - No identified need for PBSA in accordance with Policy 16
 - No engagement from the university
 - The site should be used for affordable housing
 - Impact on residential amenity of local residents through disturbance through the movement of students coming to and from the site
 - Design is not sympathetic to local character and scale would be overly dominant in relation to the existing buildings
 - The location of the site is considered to be remote from any university facilities contrary to Policy 16.
48. County Councillor J Elmer (Brandon Division) objects to the proposal, a summary of the points are as follows:
 - No identifiable need for the proposal with figures verified by the University
 - PBSA use would lead to noise and disturbance for local residents
 - No consultation with Educational Providers
 - Loss of leisure facilities
 - Design is too prominent for surrounding townscape; monolithic block would be discordant with surroundings
 - No social or economic benefit to local residents

PUBLIC RESPONSES

49. The application has been publicised by way of site notice, press advert and notification letters sent to neighbouring properties, in response 35no. letters of objection, were received (it is noted that 71no. letters of objection were submitted and subsequently withdrawn by Acorn Community Group due to concerns over

data protection) and 5no. letters of support, a summary of the points of objection are as follows:

OBJECTION

- Development Offers nothing to the community
- No shortage of student accommodation in Durham
- Site should be used for affordable housing
- There has been no meaningful community engagement
- The proposal is contrary to policies 16, 29 and NPPF 127
- It will create a loss of a much loved community facility
- No outdoor space and small bedrooms for students offer
- The development will impact on Milhouse court in terms of privacy overlooking and loss of sunlight
- It will create a loss of venue to the local residents and would be a radical change to the area
- The height and mass of the building is out of character with the area
- Insufficient cycle parking
- Concerns over appearance of development against the two storey units adjacent
- The plans are insufficient in detail to allow scheme to be accurately considered
- Room sizes are insufficient and too small

SUPPORT

- Site is an eyesore and needs regenerations
- Development will provide jobs and boost local economy

APPLICANTS STATEMENT:

50. The planning application seeks permission for the erection of Purpose Built Student Accommodation (PSBA) on the site of the Apollo Bingo Hall. The operator of the Bingo Hall has confirmed that the continued use of the premises for this purpose is not commercially sustainable due to changing customer patterns following the Covid pandemic. The sale of this property will enable the operator to continue investing in securing the future of their 12 remaining clubs which includes the Hippodrome Bingo Club in Bishop Auckland.

51. The proposal would secure the redevelopment of the application site which is in danger of vacancy and dereliction if the proposed redevelopment is not approved. The design of the proposed 3 and 4 storey building has been developed to comply with Council Officer comments outlined during detailed pre-application discussions and further engagement following submission of the application. In response to Officer and public concerns, the positioning of the building on the site has changed and the building has been significantly modified and reduced in scale. The reduction from four to three storeys at the rear of the building and other alterations have resulted in a loss of approximately 10% in the number of units compared to that originally being proposed.

52. The reductions in the proposed height of the building have mitigated any potential impacts on surrounding dwellings in terms of overshadowing and loss of privacy etc. The result is a development that would co-exist with surrounding properties and relate positively given the previously developed (brownfield) nature of the site and scale of the existing building.
53. There is significant demand for PBSA in the Durham area connected to the continued growth of the University. The application seeks planning permission for development that would be modest in scale in the context of anticipated demand and would be representative of approximately only 4% of the shortfall in bedspaces anticipated by 2024. Nonetheless, it has the potential to deliver a meaningful contribution towards providing the required student bed space numbers in the short term through the utilisation of previously developed land in a highly sustainable location.
54. Additional footfall from residents of the proposed development has the potential to support local businesses, public transport and be a catalyst for further regeneration of the Sherburn Road area. Employment would also be provided both directly by the development during the construction and operational phases, and indirectly in support services. The applicant has also offered to provide a multi-purpose community space within the development that could be used by local community groups and would support the integration of the development and its residents into the area.
55. A number of objections have raised issues that the site would be better suited to being redeveloped for affordable housing and/or older persons accommodation. Whilst the applicant recognises that County Durham currently has an acute shortage of both forms of accommodation, it must be made clear that alternative uses for a site are not a material planning consideration and therefore these aspects of the objection letters should be given no weight in the determination of the application. Moreover, and without prejudice to the applicant's firm position that potential alternative uses are not a material planning consideration, engagement with affordable housing providers in the local area including Karbon Homes and Believe has concluded that the site is too small and constrained for it to be a potential affordable housing site.
56. Council Officers have confirmed that the proposal complies with relevant policies in the County Durham Plan and have assessed all material planning considerations in detail. They have recommended approval of the application and on this basis it is respectfully submitted that planning permission should be granted for the proposed development.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

57. 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 47 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 on non-designated heritage asset, the impact on residential amenity, the character and appearance of the area and visual amenity and highway safety.

Principle of Development

58. Policy 6 of the County Durham Plan supports development on sites which are 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, stating that such development will be permitted provided it is compatible with uses on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the 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.
59. As detailed above, policy 6 of the CDP permits development on unallocated sites within built-up areas provided it meets the criteria set out within the policy. The site lies within the built-up area of Gilesgate and as such policy 6 is relevant. In this regard it is considered that the proposal can draw support in principle from this policy given that the site is located within close proximity to other residential uses and would not be prejudicial to any existing or permitted adjacent uses, subject to the impact on residential amenity, which is considered in greater detail below (criteria a), it is within the existing built framework of Gilesgate / Gilesgate Moor and would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c) and has easy access to sustainable transport and local facilities (criteria f). The site makes best use of previously developed land (criteria i). Consideration of the requirements of criteria d, e, g, h of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.
60. It is therefore considered that the principle of Purpose Built Student Accommodation (PBSA) in this location is acceptable subject to the relevant material considerations as set out below.
61. Noting the proposal relates to PBSA Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) is

relevant and includes the fundamental aim of ensuring that new PBSA and HMO proposals create/maintain inclusive places in line with the objective of creating mixed and balanced communities.

62. Part 2 of Policy 16 states that new PBSA development on sites not allocated for student accommodation will be required to demonstrate the following:
- a) That there is a need for additional student accommodation of this type in this location
 - b) Consultation with the relevant education provider pursuant to the identified need
 - c) It would not result in a significant negative impact on retail employment leisure tourism housing or other of the council's regeneration objectives
 - d) The development is readily accessible to an existing university or college academic site or hospital and research site
 - e) The design and layout the student accommodation and siting of individual uses within the overall developments are appropriate to this location and in relation to the adjacent neighbouring uses
 - f) The internal design layout and size of the accommodation and facilities are appropriate standard
 - g) Activities of the occupants of the development will not have an unacceptable impact upon the amenity of the surrounding residents in itself or when considered alongside existing approved student housing provision prior to occupation in management plan or draft outline management plan appropriate to the scale of development shall be provided
 - h) the quantity of cycle and car parking provided has regard to the council's parking and accessibility guidelines: and
 - i) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.
63. In taking each of these criteria in turn; with regard to criteria a) the application has been supported by a Housing Needs Statement, PBSA demand study and additional clarification statement. These documents have assessed the projected student bed need by Durham University up to 2027 and have identified a shortfall in student beds numbers that cannot be met by current and planned PBSA schemes. It is therefore considered that the proposal is acceptable in this regard having satisfactorily demonstrated a need.
64. In relation to criteria b) the applicant has provided evidence of consultation with Durham University. Whilst the university has not provided a formal response to this approach it is noted that policy 16 simply requires developers to consult with the Education Provider with regard to need. As such the submitted information is sufficient to demonstrate compliance with Policy 16 noting that the information submitted in support of the application as detailed above is sufficient to demonstrate that there is a need for this type of accommodation.
65. With regard to criteria c) the application site currently hosts a Bingo Hall which is considered a leisure use for planning purposes and this represents the existing permitted use. However, the application is supported by representation from the

owner and operator of the Hall which confirm that the continued use of the building for this purpose is no longer viable due to the low level of usage, and that irrespective of the outcome of the current application they intend to discontinue the existing business. Given that it would appear highly likely that the current use will cease in the immediate future due to a lack of demand, the proposal would not result in any significant negative impact upon leisure facilities in the area, given the sites already limited use, and the intention to cease operations. The proposed development is therefore considered to have limited impact in terms of the loss of the existing use.

66. With regard to criteria d) the site is located approx. 1200m from St. Hild and St. Bede College (Durham University Site) and is situated on a main bus route into and out of the city providing readily available access to Durham University facilities. It is therefore considered that the proposal is acceptable in this regard.
67. Criteria e) relates to matters regarding the design and layout of the proposals which are considered in more detail elsewhere in the report.
68. In relation to criteria f) the internal layout of the PBSA accommodation and facilities are considered to be satisfactory, with sufficient space provided. It is noted that the Council's Env. Health Team in relation to HMO's has advised that the development is broadly acceptable although the kitchen facilities would require alteration to comply with appropriate licensing requirements. However, this alteration could be completed without need for significant reconfiguration and in any event is subject to legislative control falling outside of the planning system. As such this matter could not be afforded significant weight in determination of the application and could be resolved without any fundamental impact upon the proposal as currently submitted.
69. Criteria g) relates to consideration of the impact of the development upon surrounding residents which is considered in detail elsewhere in the report. However, it is noted that the Council's Env. Health Statutory Nuisance team have raised no objections to the proposal in this regard subject to conditions.
70. In regard to criteria h) the Council's Highway Engineers have considered the proposal and confirmed that the development is acceptable in highways safety terms.
71. Having regard to criteria i) the applicant has stated that the security of the building and its occupants have been a key matter for consideration when formulating the proposed design. However, the submission and agreement of precise details of the security measures are to be secured via planning condition which would also require the implementation of a comprehensive management plan.
72. The final element of Policy 16 for consideration is the impact of the proposal on designated and non-designated assets, this will be addressed in further detail elsewhere in the report.
73. In light of the above it is and subject to consideration of compliance with criteria e and g of policy 16, and all other material considerations, including the impact

on heritage assets the development is considered to be acceptable in principle, in accordance with Policy 16 of the CDP.

Developer Contributions

74. Policy 25 (Developer Contributions) of the County Durham Plan advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Para 5.253 of the supporting text for policy 25 state "There should be no instances where essential site-specific infrastructure and mitigation cannot be secured because of viability concerns. However, in these situations where the infrastructure is an essential prerequisite to enable the site to be developed, a scheme will be deemed unacceptable in planning terms." In view of this the following developer contributions were requested in accordance with the Council's policies

Open space / Green Infrastructure

75. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
76. In accordance with Policy 26 and having regards to the Councils Open Space Needs Assessment (OSNA) it was considered that the development should provide a financial contribution of **£114,622.50** towards off-site facilities such as allotments, parks, sports and recreation grounds and youth play space
77. The developer has agreed to provide this contribution, which can be secured by way of a s106 agreement.

Education provision

78. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that given the nature of the proposal being a student development there will be no impact on existing educational provisions within the area and that no contributions are necessary.

Health Contributions

79. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that there is sufficient local health service facilities to

accommodate future residents of the development and have therefore stated that a financial contribution is not required towards addition healthcare facility space is necessary.

Developer contribution conclusion

80. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the signing of a s106 agreement to secure the obligations.

Impact on Heritage assets

81. As detailed above, Policy 16 states that *'Where appropriate, development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment, and should seek opportunities to enhance and better reveal the significance and understanding of heritage assets whilst improving access where appropriate'*.
82. The application site does not sit within a designated conservation area, nor is the building a designated heritage asset. The Council's Design and Conservation Section have stated that the building should be classified as a non-designated heritage asset due to its local historic interest. A desk-based assessment of the building has been undertaken by the Council's Design and Conservation Section which identified that the building has moderate levels of historic, evidential, aesthetic, design and communal value and considers the proposal to be contrary to Policies 16 and 44 of the CDP.
83. Policy 44 of the County Durham Plan states in relation to non-designated heritage assets *'A balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets'*.
84. This displays a broad level of accordance with paragraph 203 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
85. Whilst it is acknowledged that the building does have moderate value as a non-designated asset, paragraph 203 of the NPPF requires decision makers to, when weighing applications that directly or indirectly affect non-designated heritage assets, to undertake a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
86. In terms of that assessment, it is acknowledged that there is a genuine fall-back position which would allow demolition of the building without planning permission, albeit subject to a prior approval process that would consider only the proposed means of demolition and site remediation. The acceptability of the

principle of the demolition being considered to have deemed consent without the need for full planning permission.

87. Given that the building has a genuine fallback position and could be demolished without the need for planning permission, resulting in its total loss, has been significantly altered since its original construction (as identified in the Council's desk based assessment), and given the confirmation from the current operators that the existing business is no longer viable; it is considered that on balance, to refuse the application on the basis that the existing building should be retained due to its status as a non-designated heritage asset would be unjustified, as the significance of the building does not outweigh the loss and re-development of the site.
88. As noted, the existing building is not considered a designated heritage asset and as such the requirement to weigh any (less than substantial) harm resulting from the development against the public benefit of the scheme, (as identified in paragraph 202 of the NPPF), does not apply in this instance.
89. If planning permission is granted it is considered appropriate that a historical building recording assessment is undertaken prior to demolition to document the building for future interest which can be secured through planning condition.

Impact upon Residential Amenity

90. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making 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 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.
91. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
92. Having regard to criteria e) and f) of Policy 29 and the requirements of policy 31 (which supports new development 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), the development is not considered to have any adverse impact in this regard.

93. The scheme proposes 128no. student bed accommodation, the details of which have been assessed by the Council's Env. Health officer who the quality of residential accommodation provided to be acceptable, subject to some alteration to kitchen facilities. It is therefore considered that the proposal is acceptable and provides an appropriate quality of residential living accommodation for future residents, noting that the site is considered PPSA and as such the requirements of the NPPF are not to be applied. In addition, the proposal including some onsite facilities in the form of a gym and laundry for occupants to utilise. It is therefore considered that the proposal would accord with Policy 29.
94. Local residents and objectors have raised concerns that the proposal would result in an increase in crime in the area. Crime, and fear of crime are material planning considerations with paragraph 92(b) of the NPPF stating that planning decision should aim to ensure that developments provide healthy, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst these concerns are noted, the courts have held that fear of crime is only a material consideration where the use, by its nature, would provide a reasonable basis for concern.
95. In this regard Durham Constabulary have not objected to the proposal and have requested that the developer have regard to use of the Secure by Design principles. Whilst this cannot be conditioned the developer has indicated they will consider those principles although conditions requiring the submission and agreement of all external lighting can be included should planning permission be granted. Therefore, and noting that Durham Constabulary raise no objection to the application, it is not considered that there would be any material increase in crime as a result of the proposals, and with it the fear of crime, and as such these matters should be afforded limited weight in the determination of the application. It is therefore considered that the proposal meets the test of Paragraph 92 of the NPPF and Policy 29(m)(1 and 6) in that it provides a safe and defensible development.
96. Policy 31 (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 they 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 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.
97. The Council's Env. Health officer has assessed the development and offers no objection subject to planning conditions in relation to the submission and agreement of a noise mitigation scheme. Subject to the inclusion of a planning

condition in this regard it is considered that the proposal is acceptable and would not result in any unacceptable impact upon surrounding residents or future occupiers.

98. The design and layout of the proposal is such that privacy and separation distances between the direct facing habitable windows of the proposal to the residential units on Lantern Court exceeds the minimum requirements set out by the Council's Residential Design SPD with windows located in the North and North eastern elevation proposed to be opaque glazed and serve circulation spaces. Such measures are considered acceptable and sufficient to protect the privacy and amenity of future occupiers and existing surrounding residents in accordance with policies 16, 29 and 31 of the CDP.
99. In addition, concerns have been raised in relation to the impact of the proposal upon the amenity of those residents occupying properties to the North at Mill House Court resulting from overshadowing and loss of daylight.
100. These concerns were raised with the applicant who has provided detailed sunlight and daylight assessments in response which assess the impact of the development upon those bungalows to the North. This includes assessment of the current situation in terms of overshadowing experienced by these dwellings. These documents detail that throughout the spring, summer and autumn periods the impact on the dwellings would be minimal and restricted to the early morning period. However, during those winter months spanning December to February, the study shows that a shadow would be cast across those dwellings to the North for the majority of the day.
101. Notwithstanding this, the applicant has provided further evidence which demonstrate that the dwellings currently experience significant overshadowing in December from the existing building and hedgerow, as such it is considered that the proposal would not create a significantly detrimental impact on the residential amenity of residents, over and above that already experienced in terms of loss of daylight and over shadowing.
102. With regard to overbearing, again this has been considered in detail and the application has been designed in a way to ensure that the built structure does not impact on the 45 degree vertical visibility plane of the properties at Mill House Court to the extent that the proposal would maintain an acceptable level of openness and would not have any unacceptable overbearing impact in this regard.
103. Therefore, in conclusion it is considered that the proposal is acceptable and would not have any adverse impact upon existing or future residents in accordance with the requirements of Policies 16, 29 and 31 of the County Durham Plan, the Council's Residential Design SPD, and Sections 8 and 12 of the NPPF.

Sustainability and Carbon Reduction

104. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
105. The applicants have confirmed that at this stage of the proposal they have not fully developed their sustainable strategy. However, they have confirmed that they are proposing to use Green Guide A rated and high performance thermal elements in the construction materials that will exceed the current building regulation requirements, and meet the Councils minimum target of a 10% improvement.
106. In addition, the building would utilise low temperature underfloor heating and renewables technologies consisting of a combination of air and ground source heat pumps and PV solar panels to deliver an energy efficient building. Given the nature of the scheme it is proposed that all heating would be provided at a central source similar to a district heating system.
107. The development would provide full waste segregation facilities within the refuse storage area on the ground floor in order to encourage occupants to recycle waste effectively.
108. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c and d, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

Highway and Pedestrian Safety

109. Policy 21 of the CDP requires that 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
110. The Council's Highway Engineers have assessed the proposal and concluded that the proposal is acceptable.
111. In light of the above it is considered that subject to the conditions requested by the Highway Authority it is considered that the proposal complies with Policy 21 of the County Durham Plan, and Part 9 (Paragraph 112) of the NPPF.

Impact on the character and appearance of the streetscene

112. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making 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.

113. Policy 29 states that all developments should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
114. Concerns have been raised in relation to the appearance, scale and design of the proposal in relation to the character of the area by local residents and the Councils Design and Conservation team. Whilst it is acknowledged that the building would have a transformational impact on the immediate streetscene, given it would propose a modern contemporary construction within an area that is characterised by mid 20th Century two storey red brick and render dwellings, the area does include other established buildings of this scale. The existing building is similar scale with the existing bingo hall on site being only 0.6m lower than the highest point of the proposed building and the presence of a 3 storey, flatted development directly adjacent is also noted. Therefore, it is not considered that the addition of a building of this scale within the locality would appear as an incongruent addition, so out of keeping with the character of the area.
115. In addition, the Council's Design and Conservation section have raised concerns regarding the proposed design and the suggested palette of materials. However, as noted it is considered that the scale and mass of the building is acceptable as detailed above, and although the design is somewhat contemporary, it would be read in the context of the differing character of the area, the varied streetscene and the design, scale, and palette of materials within the locality.
116. Whilst the applicant has proposed predominantly red brick with a vertical rhythm to design this references some elements of the local vernacular, the number of additional materials and colour palette could be considered at odds with the overall simple vernacular of the area, and as such it is considered appropriate to require the submission and agreement of the precise detail of materials to be secured through planning condition.
117. In light of the above it is considered that the proposal is acceptable in relation to Policies 16 and 29 of the CDP.

Drainage

118. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
119. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists.

New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

120. The Council Drainage and Flooding section have assessed the scheme and concluded that the scheme is acceptable subject to a highways licence of which the applicant could be reminded through planning informative.
121. It is therefore considered that the scheme is acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

Ecology

122. The application was supported by a Bat Survey in order to assess the building for protected species. The assessment concluded that the development presented low residual risk of disturbing bats and loss of roosts in the unlikely event that roosts are present within the building, specifically the external features were inspected from ground level and are considered superficial upon closer inspection due to construction. The details of this survey have been inspected by a County Ecologist who has concluded that the proposal is acceptable subject to a condition in relation to the mitigation enhancement measures recommended within that report.

Connectivity

123. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located by surrounding development which includes outline permission for up to 900 dwellings. Similar requirement in terms of broadband connectivity would also apply to that development and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition noting the outline nature of the application. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.

Residual Matters

124. It is noted that a number of the objections state that the site should be used for affordable housing. However, it is noted that the site is not allocated for any specific purpose and it is not the purpose of this development management process to dictate alternative uses beyond that which is the subject of the current application. With this in mind the application should be considered against the requirements of relevant policies of the current local plan. However, the applicants have responded to this point and advised that engagement has been undertaken with registered housing providers but that feedback has been that

the site is too small and constrained for it to be likely to be attractive as an affordable housing site.

125. A number of comments have been received in relation to the facility being a valuable asset to the community. However, having consulted the Council's Assets of Community Value Register (last updated October 2021) it would not appear that the building is a registered community asset in this regard and as such the protection afforded to registered community assets are not considered relevant in the determination of this application.

CONCLUSION

126. In summary, it is considered that the principle of the development is acceptable in planning terms and would accord with the broad aims of policies 6 and 16 of the CDP subject to a s106 agreement to secure necessary contributions, and appropriate planning conditions. It is considered that on balance the development is acceptable in terms of the loss of a non-designated heritage asset, provides acceptable levels of amenity space for residents of the proposed development, protects the privacy, and amenity of the existing residents whilst also being acceptable in terms of highways, drainage and ecology in accordance with Policies 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

RECOMMENDATION

127. That the application be **APPROVED** subject to a s106 agreement to secure the following;
- The financial contribution of **£114,622.50** for use towards the creation of new off-site open space/amenity provision or the improvement of existing provision within the electoral division.

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 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(ies) 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

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:

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 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. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the development can be carried out safely.

5. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

7. No development shall commence above damp proof course until such time as a scheme detailing the precise means of broadband connection to the site has

been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

8. 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 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. Prior to the occupation of the development hereby approved a scheme detailing the glazing and ventilation specification which details a sound reduction index and ventilation rates as stipulated in Table 1, of the submitted report Apex Acoustics - Apollo Bingo Site, Durham, Noise Impact Assessment 8806-1, 2nd February 2021 rev A. shall be submitted to and agreed by the Local Planning Authority, The agreed scheme shall thereafter be implemented in accordance with those details and maintained as such for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to protect the residential amenity of residents in accordance with Policy 29 and 31 of the County Durham Plan.

11. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

12. Prior to installation of the water proof damp coursing associated with the development hereby approved, details of a scheme to minimise greenhouse

gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29 of the CDP

13. In undertaking the development that is hereby approved:

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

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for the purposes of student accommodation and for no other use.

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. Prior to commencement above damp proof course a scheme detailing the enhance ecological mitigation measures recommended within Section G.5 of the submitted Bat Survey dated February 2021 shall be submitted to and approved in writing by the Local Planning. The agreed scheme shall thereafter be implemented prior to the first occupation of any part of the building and maintained in accordance with the agreed details for the lifetime of the development.

Reason: To ensure a satisfactory form of development in accordance with Policies 41 and 42 of the County Durham Plan and Section 15 of the NPPF (2021).

16. Prior to the first occupation of the dwellings hereby permitted, a detailed management strategy scheme for the development (which shall include but not be limited to a parking management strategy (including means of electronic vehicle charging), a residents charter (setting out the expectations of residents), and details of building security measure to ensure occupant safety shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented in accordance and maintained for the lifetime of the development.

Reason: The applicants special circumstances allow this development to be approved in compliance with Policies 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

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

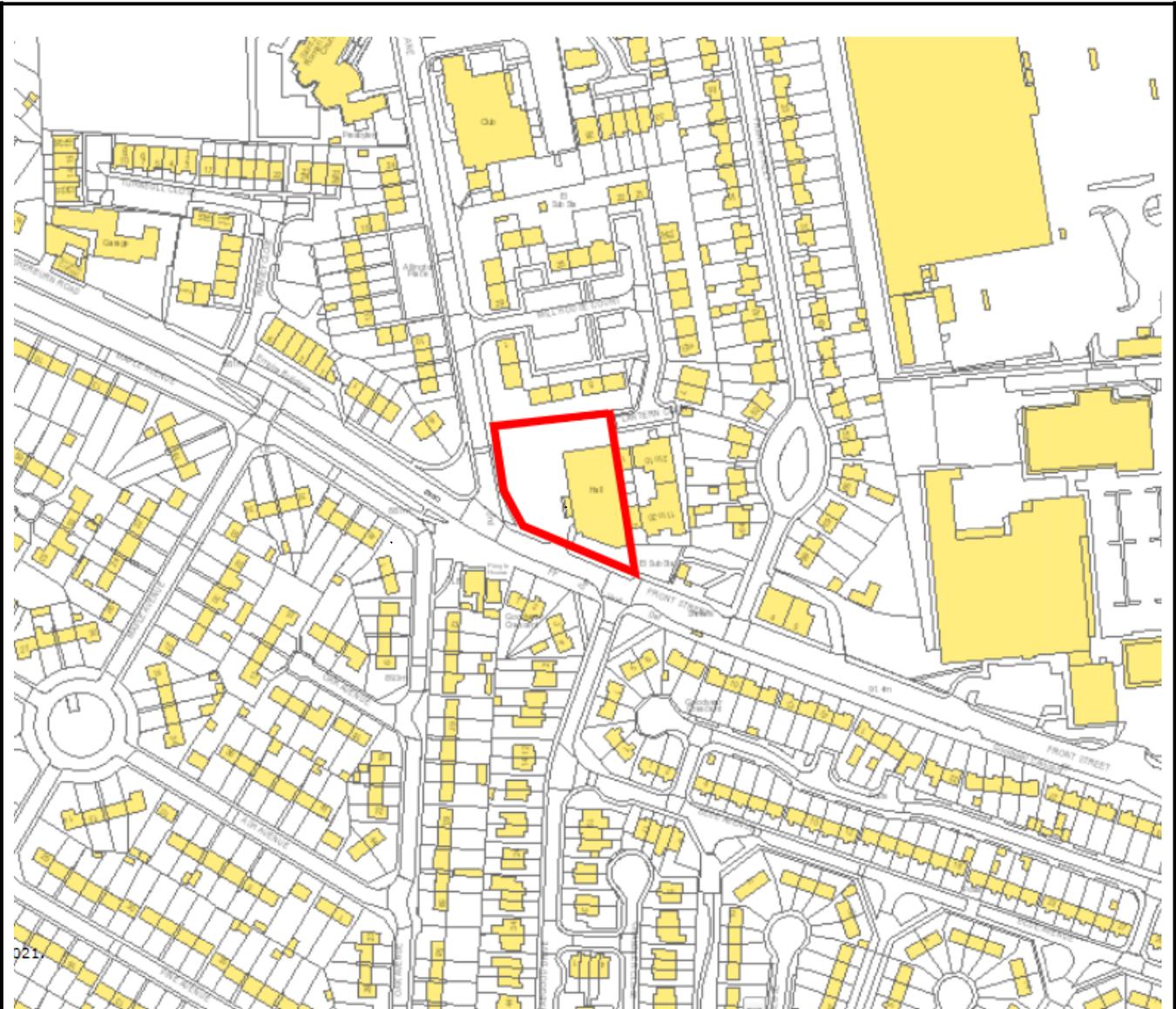
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Demolition of Existing Bingo Hall and erections of 1no. 4 Storey Purpose Built Student Accommodation with associated parking, and servicing facilities</p>	
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	<p>Date December 2021</p>	<p>Scale NTS</p>

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