



Area Planning Committee (Central and East)

Date Tuesday 14 June 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 10 May 2022 (Pages 3 - 16)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/22/01296/PNC - Agricultural Building to the south of High Grange Farm, Shincliffe, DH1 2TD (Pages 17 - 32)
Change of use of existing agricultural barn to 1 no. dwelling.
 - b) DM/21/00669/FPA - 115 Gilesgate, Durham, DH1 1QG (Pages 33 - 56)
Conversion of vacant dwelling to provide 4no. 2 bedroom residential apartments (C3), single storey extension to side, various external alterations, associated dual vehicle access points, off-street parking and landscaping.
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
6 June 2022

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

Councillor D Freeman (Chair)
Councillor L A Holmes (Vice-Chair)

Councillors S Deinali, I Cochrane, J Cosslett, J Elmer, C Hood,
N Jones, C Kay, D McKenna, R Manchester, C Marshall,
J Quinn, K Robson, K Shaw and A Surtees

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 May 2022** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

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

Also Present:

Councillor L Brown

1 Apologies for Absence

Apologies for absence were received from Councillor LA Holmes.

2 Substitute Members

There were no substitute Members.

3 Minutes

The minutes of the meeting held on 12 April 2022 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

The Chair, Councillor D Freeman noted in respect of Items 5b and 5c that he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submission in objection to the applications. He noted he was also a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to the applications.

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

a DM/21/02193/FPA - Land to the east of Whitwell House, Front Street, New Durham, DH1 2EP

The Committee noted that the item had been withdrawn.

b DM/21/03860/FPA - 76 Whinney Hill, Durham, DH1 3BG

The Planning Officer, Michelle Penman, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of part two-storey/ part single-storey extension to rear of existing small 4-bed house in multiple occupation (HMO) (use class C4) to include provision of 2 no. additional bedrooms and was recommended for approval, subject to conditions.

The Planning Officer noted that the application was not for change of use as the property was already a four-bed HMO with C4 use, allowing for up to six bedrooms. She explained that the applicant had a fallback position in terms of a ground floor extension scheme under permitted development rights and noted a similar application that had been refused had subsequently been allowed at appeal to the Planning Inspectorate.

The Chair thanked the Planning Officer and asked Councillor L Brown, representing the City of Durham Parish Council to speak in relation to the application.

Councillor L Brown explained that the City of Durham Parish Council had come into being in 2018 and since then had endeavoured to represent the interests of the residents within the Parish. She noted that Whinney Hill was already an area with a high percentage of students and the application sought to add two bedrooms to an existing HMO and to facilitate that by building an extension to the property. She added that would turn a small MHO into a large HMO and add another two students to an area which already had 50 percent student housing by postcode.

Councillor L Brown noted that, within the Committee report, great weight had been placed on the fact that an appeal for a neighbouring property with similar planning circumstance had been allowed. She added that paragraphs 47, 50 and 64 all referred to the Inspector's conclusions.

She noted, however, that each application should be considered on its own merit and, as the City of Durham Trust had pointed out in their submission dated 6 December 2021, the Local Plan Inspector's report was omitted from the written reports submitted with the appeal documents. Councillor L Brown explained that report had placed far greater emphasis on the parts of Policy 16.3 dealing with extension which result in extra bed spaces. She noted the Inspector's actual words were "*cumulatively over time, this could lead to a significant increase in the number of students living in an area, undermining the objective of the policy*". She added that would then affect residential amenity as set out in Policies 29 and 31.

Councillor L Brown noted that furthermore, the Residential Amenity Supplementary Planning Document (SPD) referred to in Policy 29 set out minimum separation distances, which the application breached. She added the Planning Officer admitted that at paragraph 66 but then goes on to say that it was not considered that the proposals would be unacceptably harmful to residents. She noted that it was the cumulative affect on residential amenity that was the issue. She explained that not only would there an extension that would be overlooking a garden, two extra students could well mean more rubbish, more anti-social behaviour and more full-time residents suffering from lack of sleep and of a gradual erosion of their lives. Councillor L Brown concluded by noting the Parish Council urged the Committee, on behalf of residents, reject the application as it was in breach of County Durham Plan (CDP) Policies 16, 29 and 31.

The Chair thanked Councillor L Brown and asked the Committee for their comments and questions.

Councillor J Elmer noted the importance of Policy 16 within the CDP, a policy that had been hard fought by the City of Durham Parish Council and other groups, to protect against the studentification of the city, impact on services and anti-social behaviour. He explained that it was a huge credit to the Council in adopting CDP and Policy 16, drawing a line as regards student properties. He added that he felt the proposals were a clear breach of Policy 16.3 with there already being a high number of student properties in the area. He noted the argument made as regards the permitted development, however, he did not feel that was sufficient to abandon Policy 16 adding he felt that the Committee should hold the line and go against the Officer's recommendation. He noted the applicant's statement made a case for the permitted development. Councillor J Elmer moved that the application be rejected. Councillor J Cosslett seconded the proposal for refusal.

Councillor C Marshall noted the application was a difficult one, noting the existing impact of HMOs, with families moving out of the city.

He noted it was not a simple case of complying or not complying with policy, rather complying in part with weight given to Policy 16 and also the wider policies within the CDP. He added that there was a risk in relation to an appeal, with Officers having set out the details of an appeal against a refusal for a similar application relating to 75 Whinney Hill that was subsequently upheld the Planning Inspector. Councillor C Marshall noted the applicant had referred to permitted development and asked why put the Council at risk at appeal without a robust case. He noted he felt there were not enough grounds for refusal and added that while some may not have concerns as regards value for money for taxpayers, he did. He noted the sale of the Council's new headquarters at the Sands and noted the additional students attending the University Business School would need somewhere to live. He concluded by noting that, looking at broader policy and not wishing to waste taxpayers' money frivolously, he would support the Officer's report and propose that the application be approved. Councillor A Surtees seconded the proposal for approval.

Councillor J Elmer agreed students would need a place to live and noted that the University wished to control that aspect and build accommodation themselves. He noted that any subsequent appeal of a refusal may be lost, and asked Officers whether the appeal referred to that was upheld was prior to the CDP and Policy 16 being in place.

The Principal Planning Officer, Paul Hopper noted that the appeal relating to 75 Whinney Hill was decided on 18 May 2021 and at that point would have determined against the interim policy. He noted another appeal decision relating to 51 Whinney Hill, and that whilst that appeal was dismissed by the Inspector it was not upheld on reasons relating to the presence of a legitimate fallback position. He added that it was likely there would be the risk of costs at appeal and explained that the Officers' professional opinion was that the application should be approved. He reiterated that the appeals had been for similar development and accordingly had significant weight.

The Lawyer (Planning and Highways), Neil Carter noted Policy 16 was the key policy, with an application to be determined in accordance with the local plan unless material considerations said otherwise. He added the fallback position relating to permitted development was sufficiently material to be given weight. He noted the applicant had submitted a permitted development scheme, which Officers noted was likely to come forward should the current proposals not be approved and added that was a significant planning consideration. The Lawyer (Planning and Highways) referred to the recent appeal decision where the Inspector had given weight to permitted development. He noted that if the application was refused, he would expect that the applicant would appeal, and he would also expect a costs application. He added that the issue of costs was not a significant or overriding issue, however, it was something for Members to have regard of.

The Chair noted that the Council, City of Durham Parish Council, City of Durham Trust and other organisations and individuals had fought hard for the policies as set out in the CDP, including Policy 16. He noted the position in relation to the appeal decisions and noted he was minded to support Councillor J Elmer.

Councillor J Elmer reiterated he felt the application should be rejected as he felt it was contrary to Policy 16 in terms of creating balanced communities, noting the age structure of the area, and the impact on the settled community in the city. He added he felt the applicant had been bombastic and bullyish in their approach in terms of permitted development. The Lawyer (Planning and Highways) noted that the applicant had undertaken a fairly standard approach in terms of stating what they would be able to take forward under permitted development adding it was not a bullying tactic, reiterating it was a common approach.

In relation to the motion for refusal proposed by Councillor J Elmer and seconded by Councillor J Cosslett, upon a vote being taken the motion was LOST.

In relation to the motion for approval proposed by Councillor C Marshall and seconded by Councillor A Surtees, upon a vote being taken it was:

RESOLVED

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

c DM/21/02034/FPA - Land at Former Skid Pan north of Woodward Way, Aykley Heads, DH1 5ZH

The Principal Planning Officer, Graham Blakey, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the proposed development of 48 residential dwellings with associated infrastructure, open space and highway improvements and was recommended for approval, subject to conditions and Section 106 Legal Agreement.

The Chair thanked the Principal Planning Officer and asked Councillor L Brown, representing the City of Durham Parish Council to speak in relation to the application.

Councillor L Brown thanked the Chair and Members and explained that the Parish Council was not opposed in principle to the development and supported Policy 4 of the CDP, however, they felt that the application was in need of a little tweaking. She noted that was a sensitive location next to Hopper's Wood which contained ancient woodland and was surrounded by green belt and an area of high landscape value. She added that the Parish Council were therefore very happy with Condition 15 of the application.

Councillor L Brown noted that where the application failed was in the sustainability of the site. She explained that firstly it seemed that the application was focussed on private transport. She noted that there was no public transport anywhere near the site, adding that indeed the nearest bus stops were at the University Hospital, 600 metres away, despite the developer referring to the proximity of bus stops in paragraph 88 of the Committee Report. She added that Policies 21 and 22 of the CDP and T1 of the Durham City Neighbourhood Plan all called for sustainable transport and a reduction in the dominance of the private car with the consequent improvement in air quality. Councillor L Brown noted that at paragraph 124 of the Committee report the travel officer suggested walking and cycling rather than using public transport. She noted that all she could say was the travel officer had never tried to get a recalcitrant toddler and shopping home on foot.

Councillor L Brown noted that secondly, the housing design was not what one would hope to see in such a development. She added that Policy 29 of the CDP and Policy S1 of the Neighbourhood Plan both called for development to utilise renewable and low carbon technologies. She noted that the development paid lip service to those policies by offering ducting and cabling for electric vehicles (EV). She asked if it would really be too difficult to provide the charging points too.

Councillor L Brown noted that the developer was providing gas-fired combi boilers to heat the houses. She noted that the development was proposed before the astronomic rise in energy and fuel costs and asked whether it was time for Persimmon Homes to think again about energy. She added that, if factored in at the design stage, photovoltaic panels would not add too much to the cost of the houses but could mean the buyers of those homes would not have to choose between eating and heating.

The Chair thanked Councillor L Brown and asked Mr John Lowe, Chair of the City of Durham Trust to speak in relation to the application.

Mr J Lowe explained that the City of Durham Trust based its objection to the application on three main grounds, the first being inappropriate design.

He explained that the site was surrounded by the Green Belt and the area of high landscape value and added it lay within the boundary of the World Heritage site inner setting. He noted that should have required particular attention to layout and design, however, the scheme failed by offering a standard layout and generic house designs with no distinctiveness or response to the site. He added that the National Planning Policy Framework (NPPF) was revised in July 2021 and was robust on design quality: paragraph 134 stating that “*development that is not well designed should be refused*”.

Mr J Lowe explained that the second ground for refusal was inadequate provision for renewable energy. He explained that there was no evidence that the development either minimised greenhouse gas emissions or sought to achieve zero carbon buildings or renewable energy generation as required by CDP Policy 29. He added that Durham City Neighbourhood Plan Policy S1 required on-site renewable energy generation wherever possible. He noted the developer had submitted a Sustainability Statement and Checklist, but the County Council’s Low Carbon Team’s response to those was lukewarm, saying that they contained limited detail. He added the developer's offer for renewable or low carbon technologies was a gas boiler with flue heat recovery. Mr J Lowe asked why not solar panels and heat pumps?

Mr J Lowe noted the third ground for refusal was insufficient attention to sustainable transport. He explained that the case officer had provided a good summary of the transport issues and, in paragraph 126 of her report, noted that the poor access to public transport and the nature of the walking routes would be unlikely to “*promote accessibility by a range of methods for all prospective residents*” and would “*not give all future residents realistic alternatives to the private motor car*”. He added this was acknowledged as a “*negative impact to be given weight in the planning balance*”.

Mr J Lowe noted that the lack of garages and space for storing cycles at some houses was contrary to the Durham City Neighbourhood Plan Policy T3. He explained that negative impact and non-compliance with transport-related policies had been identified and that it was open to the Committee to reassess the weight that should be given to those failings. He added that in a climate emergency, where reducing car use was now essential to meet our commitments, the Council should be making every effort to avoid further car-dependent developments.

Members were asked to note that the Trust, other objectors, and the Council's Sustainable Transport Officer had all made suggestions for improvements to accessibility. Mr J Lowe added that the developer had done hardly anything to address these: a footpath link had been realigned and a footbridge to cross the beck was proposed, that was all.

He explained that the Trust considered that transport sustainability must be given much more weight in this decision, and that further mitigations were necessary to make the application acceptable in planning terms.

In conclusion, Mr J Lowe noted that the Trust considered that it was clear that if the three issues raised were given proper weight, the proposals failed against CDP Policies 20 Green Belt, 21 Delivering Sustainable Transport, 29 Sustainable Design, and against the Durham City Neighbourhood Plan Policies S1 Sustainable Development, H1 Protection and Enhancement of the World Heritage Site, H3 Areas Outside Conservation Areas, G1 Protecting Green Infrastructure, D4 High Standards for Housing, and policies T1-T3 Sustainable Transport. He added that if the Committee accepted the Trust's assessment of the design issues, the application would need considerable reworking and must be refused in its current form. He noted that the renewable energy and sustainable transport issues could potentially be addressed through applying further conditions to achieve the mitigations required.

The Chair thanked Mr J Lowe and asked Mr Paul Hunt, from the Applicant Persimmon Homes to speak in support of the application.

Mr P Hunt began by thanking the consultees and both the Case Officer and Presenting Officer for their report and presentation. He added the application was for 48 dwellings for a new sustainable desirable development, north of Phase 1 development, approved in 2015, noting with only a few of those properties yet to be sold. He explained that the site was allocated under H4 within the CDP for housing and was a brownfield site. He added the site was close to the city centre and therefore sustainable in terms of the available services, facilities, open space, recreational facilities and local schools. Mr P Hunt noted sustainable travel options provided by both bus and train.

Mr P Hunt noted the proposals represented a choice of dwellings to satisfy the needs of central Durham, with two to five-bed designs of types and sizes that were under-provided in the housing market. He explained that 25 percent of the dwellings would be for affordable delivery, noting market testing with three Registered Providers with offers already received. Mr P Hunt explained that the proposals represented a high quality design based upon the principles of the NPPF and being complimentary to the area. He added that the proposals would take inspiration from the Phase 1 development, however, would use materials and design reflecting the neighbouring woods, with balconies and other modern design noting the location near to the new Police headquarters and position on the edge of the historic Cathedral city. Mr P Hunt noted the varied roofscape with single, two storey and two-and-a-half storey elements and explained that significant landscaping and planting was proposed to meet the requirements of the site's allocation in the CDP.

He noted the visually attractive setting and noted a net biodiversity gain of 17.21 percent.

Mr P Hunt informed Members that all plots would have EV charge cable routing and use heat recovery devices on energy efficient gas boilers. He noted the close work with Planners and consultees in terms of the application and explained that additional reports and surveys had been completed. He noted the extensive planning gain package including contributions relating to education, the NHS, offsite public open space, infrastructure implementation and affordable housing.

Mr P Hunt concluded by explaining that there were no adverse impacts that would outweigh the benefits of the scheme, reiterating that the proposals were highly sustainable, of a high quality and visually attractive and therefore, as the proposals were in accord with the development plan, he would respectfully ask that the application be approved.

The Chair thanked Mr P Hunt and asked the Principal Planning Officer to respond to the points raised by the speakers.

The Principal Planning Officer explained that the proposals were a major development and noted that currently the CDP required a 10 percent reduction in carbon dioxide emissions adding that could be achieved through different means including fabric first approach or energy recovery, as in the case with the proposed hybrid gas boilers. He noted that while the application met those requirements, as the scheme was required to be built out also in accordance with applicable building regulations legislations. He explained that Part L of Building Regulations matched to the 10 percent reduction, however, from June 2022 that would increase within changes to the Building Regulations to 31 percent. He noted that new regulations would apply for each new building after that date, rather than for any whole site.

In respect of the installation of EV charging points rather than just providing the cabling and ducting, the Principal Planning Officer noted that as there was no standard in relation to EV charging, if a specific charger was installed that would then limit the choice of EV for the homeowner. He added the site was an allocated development site and noted the adjacent employment sites and nearby schools. In reference to the design, the Principal Planning Officer noted that Officers had considered the proposals through the usual robust process and had come to the conclusion to recommend the application for approval.

The Chair asked for clarification as regards the garages that were proposed, noting they were not large enough to store a car.

The Principal DM Engineer, David Battensby explained that if a garage was not large enough to house a car it would not be considered as a parking space when looking at parking provision. He added that this had been taken into account when assessing the proposal and the proposed in-curtilage parking and non-allocated parking met the DCC Standard.

The Chair thanked the Officers and asked the Committee for their comments and questions.

Councillor D Brown explained that he had read the report and listened to the presentation and speakers very carefully and noted that the main point appeared to be sustainability. He asked for further details as regards the 'sustainability checklist' as referred to in Condition 26. The Principal Planning Officer explained that it was a validation requirement of all major developments, with the Council's Low Carbon Officer asking the developer what they were proposing to do. He added that it was a tool to ensure what was deliverable. He noted that the proposals were acceptable in terms of planning policy, securing a 10 percent carbon reduction, and reiterated, beyond planning, the Building Control regulations that were coming into effect would require a reduction of 31 percent.

Councillor K Shaw noted he had read the report and listen to the speakers and moved approval of the application. Councillor D Brown seconded the motion for approval.

Councillor J Elmer noted that the application site was around 600-700 metres from the nearest bus stop and noted that the impact on groups, such as older persons, disabled and those not able to drive, was very problematic. He noted the only solution for those people would be to book a taxi, a serious problem. He noted a major application within his Electoral Division and explained that speaking to older people in his community as regards that application, the importance of accessibility had been raised and therefore he felt it was not possible to move forward with such an application. Councillor J Elmer noted the situation as regards garage provision and explained it would lead to further congestion on the roads and footpaths. He asked why construct garages that would not fit a car, noting that it may be preferable to repurpose the space. He added that the application appeared to create car dependency when that was something that all were trying to move away from. He noted the large prominent site and the impact upon the tree belt, adding that the scaling down from 58 to 48 dwellings was welcomed.

Councillor J Elmer noted the H4 allocation in the CDP, within the green belt, noting that the developer had to argue for the release, with the Inspector having said there must not impact the tree belt. He added he felt the proposals represented an unacceptable impact upon the tree belt with 11 plots, around a fifth of all proposed properties, bordering the tree belt.

He noted that it was likely that owners would want to trim the trees or want trees removed and asked if Tree Preservation Orders (TPOs) were an option.

He noted a lack of detail in terms of new planting and Hopper's Wood, and asked as regards long-term maintenance, explaining as regards a large development in his area where the developer had not completed landscaping works after five years, and he noted he would not want to assume it was dealt with by condition.

Councillor J Elmer reminded Members that the Council had declared an Ecological Emergency and he added that there were concerns in relation to impact upon the area from the large number of people and their pets. He noted the potential impact upon the ancient woodland and added he felt it would not be alleviated. He added that the site-based ecology gain in terms of bird and bat boxes was welcomed, noting that his concern related to future maintenance and asked if a covenant could be made to ensure they were maintained.

Councillor J Elmer reminded Members of the Climate Emergency that had also been declared by the Council and noted that no energy statement had been included with the application, with no sign of zero carbon building or sustainable energy on site, adding those were requirements of Policy 29. He added that paragraph 161 of the report noted the proposals were in line with the minimum 10 percent and that the applicant had not provided any further information. He noted no photovoltaics, no ground source heat-pumps and added that the cost of such technology was being pushed upon future occupiers and asked if the radiators that were to be installed were compatible with future technology such as heat-pumps.

Councillor J Elmer noted the Low Carbon Team had stated to minimise resources, including energy, and to encourage renewable energy technology on-site and asked why that was not being applied to the proposed development. He noted, in summary, that he felt the application failed in terms of: Policy 21, Sustainable Transport; Policy 4, in retaining the tree belt; and Policy 29, carbon reduction. He explained that he felt the Council should be pushing the applicant to come back with an improved proposal and therefore he would move that the applicant be deferred. Councillor J Cosslett seconded Councillor J Elmer.

The Principal Planning Officer noted the issues raised in terms of sustainability, and as regards the difficulties in terms of encouraging bus operators to alter their routes. He noted the balance of factors including carbon footprint and added those were for Members to consider. He noted that the location of the site may dissuade some potential buyers, that being an issue for market forces.

He noted that TPOs were an option in terms of protecting specific trees and added that conditions referred to roosting bats and nesting birds.

The Principal Planning Officer noted the references to the comments as regards the overall Sniperley site, made at different stages within the development of the CDP and subsequent applications, however, he reminded Members that the application before Committee was felt by Officers to be acceptable and therefore was recommended for approval, subject to conditions and s106 Legal Agreement.

The Lawyer (Planning and Highways) noted there were two motions, the first being for approval. He noted that if that motion was not carried then he would come back to Councillor J Elmer for additional information on relating to his motion for deferral.

The Chair asked as regards TPOs, whether they would be by condition or other means. The Principal Planning Officer noted an option would be to add a condition attached to the application, another would be via TPO, with the Council to ensure they were in place following the application, if approved.

Councillor N Jones asked for clarification as regards central heating systems and up to what date gas boilers would be fitted. Councillor J Elmer noted that after 2025 they were no longer to be fitted. The Chair emphasised that they would not be ripped out at that time, just that they could not be replaced with a gas boiler after that date. The Principal Planning Officer explained that the Government aim was for carbon neutral by 2050, with the 2025 date in terms of no longer being able to fit gas boilers being a means to achieve that aim. Councillor J Cosslett noted from a recent visit to a school that had heat pumps installed that they had required larger radiators in order to give the same heat distribution. The Principal Planning Officer reiterated that such issues would be picked up under Building Control regulations. Councillor J Elmer asked for clarification that existing regulations would apply, and properties would not require a retrofit, noting building regulation changes had not yet taken place. The Principal Planning Officer reiterated the timescales relating to building regulations and explained that they were also such that they would come into effect for each property constructed after the date of the new regulations were implemented, with the old regulations not applying for a whole site where first construction on a site had began prior to the new regulations.

Councillor J Elmer noted the on-site ecological gain and asked what mechanism there would be to require residents to maintain the provision. The Principal Planning Officer explained that Condition 22 made reference and, if the Members proposing approval were minded, 'in perpetuity' could be added.

The Lawyer (Planning and Highways) noted the issues raised in relation to Building Control regulations, however, they were a separate matter and reminded Members to focus upon planning policies. In reference to the proposed amendment to Condition 22 he asked Councillor K Shaw as the Member who had put forward the motion for approval. Councillor K Shaw noted he was satisfied with the proposals as set out in the Committee report and would not amend his motion for approval.

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.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01296/PNC
FULL APPLICATION DESCRIPTION:	Change of use of existing agricultural barn to 1 no. dwelling
NAME OF APPLICANT:	Mr S Seymour
ADDRESS:	Agricultural Building To The South Of High Grange Farm Shincliffe DH1 2TD
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an existing agricultural building located to the west of Moor House Farm and southwest of High Grange Farm in Shincliffe, Durham. The site is located with the open countryside and also within an area designated as green belt. The building currently benefits from hardstanding to the front and an existing private track which joins a shared private access leading from A177 and serves several other properties.
2. The building is a dual pitch roof, steel framed portal shed measuring approximately 18m by 18m with an eave's height of 5.5m and a height to the ridge of 8m. The building is finished in blockwork to the lower part of the elevations with vertical timber cladding above and a fibre cement corrugated sheet roof with integrated roof lights.

The Proposal

3. Prior approval is sought for the change of use of the building and land within its curtilage as identified as edged red on the submitted location plan, to 1no. large dwellinghouse falling within Class C3 of the Town and Country Planning (Uses Classes) Order 1987. Permitted development rights are available through Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows the change of use of existing agricultural buildings to residential dwellings without the need for an application for planning permission but subject to a prior approval process. The Order also includes provision for those building operations reasonably necessary to convert the building to the proposed use.
4. Notwithstanding the above, in order for the stated permitted development rights to apply the building must meet a number of criteria which are considered within this report.

Should the building and proposals meet those criteria the applicant must make a prior notification application which allows the Local Planning Authority to assess its likely impacts in regard to certain specific factors only. The current application before the committee is for such prior approval.

5. The application is referred to Planning Committee at the request of Shincliffe Parish Council due to the position of the building within the designated green belt.

PLANNING HISTORY

6. A prior notification (DM/21/01460/PNC) relating to the same site, building and proposals was refused by the Local Planning Authority through powers delegated to the Head of Planning in 2021 on the grounds that insufficient evidence had been provided to demonstrate that the building had been solely used for an agricultural use as part of an established agricultural unit on 20th March 2013 and that it was capable of conversion (which are two of the criteria that must apply for the proposal to be considered permitted development via provisions contained within Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. 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.
9. NPPF Part 12 - Achieving Well-Designed Places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. 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.
11. NPPF Part 15 - Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

NATIONAL PLANNING PRACTICE GUIDANCE:

12. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design process and tools; determining a planning application; flood risk; land affected by contamination; natural environment and noise.

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

LOCAL PLAN POLICY:

The County Durham Plan

13. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
14. Policy 29 (Sustainable Design) 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
15. 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.
16. 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.
17. 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.

Neighbourhood Plan

18. The application site does not lie within a neighbourhood planning area with a plan to which regard must be had.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. DCC Highways – this prior notification is considered acceptable from a highway safety perspective but notes that the site is served by a private road and so could not be accessed by the DCC Refuse Vehicle. Therefore, the applicant would either need to arrange for refuse to be collected by private collection, or have the bins brought to the nearest adopted highway on the day of collection and then returned to the site the same day.

INTERNAL CONSULTEE RESPONSES:

20. DCC Environment, Health and Consumer Protection (Contaminated Land) – agree with the conclusions and recommendations of the risk assessment and, due to the fact that this development constitutes a change of use to a more sensitive receptor, recommend the imposition of a contaminated land condition.
21. DCC Environment, Health and Consumer Protection (Nuisance Action) - The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact and is unlikely to cause a statutory nuisance.
22. DCC Landscape – Raise concerns at the elevated and isolated position of the building and note that any conversion to residential use would result in visual impact effects. In terms of design, they note that the proposed openings are not standard or domestic in nature, and that the minimal openings in the side elevations broadly retain the functional simplicity of the original building and reflect and uphold the inherently agricultural nature of its character. However, they do note that the large, glazed window would impact in the night-time scene through light spill and given its isolated location. However, the introduction of louvres windows would reduce these effects.
23. DCC Ecology – no objections.
24. DCC Structural Engineer – considers the building to be capable of conversion.

PUBLIC RESPONSES:

25. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
26. To date, 3 no. letters of objection have been received. The concerns raised in relation to the development are summarised as follows:

- Impact on highway safety from increased traffic and more potential for accidents

- Increase in traffic served by private single-track road
- No place for vehicles to pass
- Existing entry and egress on to 60mph A177 is dangerous
- Existing single-track lane is already at capacity
- Scale of dwelling is in a prominent position and visible from surrounding area
- Potential impact from increased noise and light pollution
- Impact on open character of designated green belt
- Impact on countryside and character of surrounding area
- Dwelling out of keeping with area
- No refuse collection point
- Conversion of this building would lead to further expansion and development
- Location Plan is not up to date
- Impact on upkeep and maintenance of private road and culvert
- Proposed conversion is too large in scale for 1 no. dwelling

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/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

27.

PLANNING CONSIDERATIONS AND ASSESSMENT

Assessment as to whether the building qualifies for Class Q PD rights

28. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order makes provision for the change of use of a building and any land within its curtilage from use as an agricultural building to that falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3. Such provision is subject to a prior notification procedure, and it is this to which the current application relates.
29. Only development which accords with each of the stated thresholds contained within Class Q can benefit from the permitted development rights. The application is supported by planning application forms, existing and proposed plans, a structural survey report and addendum, a scope of works statement, a Phase 1 contaminated land assessment and a Planning Statement. Within the Planning Statement it is suggested that the current scheme and the accompanying information has been prepared in order to fully address the issues raised under the previous prior notification application, which was refused and, in this respect, brings forward further evidence to demonstrate that the proposal is compliant with the requirements of the GPDO.
30. Consideration of the current proposal against each of the thresholds is considered below;
31. (a) *Site must be used solely for agricultural use as part of an agricultural unit :-*
- i) on 20th March 2013, or*
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or*

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

32. For the purposes of Schedule 2, Part 3 of the GDPO 'agricultural building' is described at Part X as being that which is used for agriculture, and which is so used for the purposes of a trade or business. In terms of an 'agricultural unit' this means agricultural land occupied as a unit for the purposes of agriculture.
33. In the planning statement it is advised that the building was constructed for the purpose of rearing and managing the applicants suckler herd and was used by them, along with the surrounding 100 acres for that purpose, until 2011, at which point he retired. However, the statement goes on to advise that the land and building continued to be in agricultural use and that the land is now rented by T W Clarke and Son who utilise the land for grazing, and the building for the management of cattle. It is understood to continue to have an agricultural holding number (12/139/0006) and is subject to a single farm payment for the management of the agricultural holding (SBI 107 332 770).
34. The statement also notes that the building continues to contain all the stalls and pens which were present as part of the applicant's own operation of a suckler herd. As the applicant is also responsible for the continued management of the farmland in relation to matters such as the fencing of the land, topping of fields and application of fertiliser etc, the building also continues to be used for the storage of machinery and materials related to the farm holding. The case officer carried out a site visit on 25 May 2022 and was able to view the land and building. The officer noted that cows were present within the associated fields and inside the building it was confirmed that the stalls and pens remained in situ, as were tractors, machinery, and other materials required in association with farming and maintaining the land as described above.
35. On that basis, it is considered that the building and associated land was in agricultural use of the 20th March 2013 and continues to be in agricultural use. The development would therefore comply with criteria 'a' of the GDPO.
36. *(b) in the case of—*
 - (i) a larger dwellinghouse, within an established agricultural unit—*
 - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or*
 - (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;*
 - (c) in the case of—*
 - (i) a smaller dwellinghouse, within an established agricultural unit—*
 - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or*
 - (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;*
 - (d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—*

- (i) *a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;*
- (ii) *the cumulative number of separate dwellinghouses having a use falling Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;*

37. In this case the proposals present a single larger dwellinghouse with a floor area not exceeding 465 square metres and there have been no prior Class Q proposals on the agricultural holding. On that basis the proposals accord with criteria 'b' and 'd', and criteria 'c' is not considered to be relevant.

38. *(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

39. It is noted in the planning statement that the building and surrounding land continue to be farmed by a third party, T W Clark and Son, however, this is on an informal basis and therefore there is no formal agricultural tenancy. In this respect, no agricultural tenancy over the site has been terminated less than 1 year before the date development begins. No development under Class A(a) or Class B(a) of Part 6 of the Schedule has been carried out on the agricultural unit since 20th March 2013. As such, criteria 'e', 'f' and 'g' are complied with.

40. *(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*

41. The application is supported by plans and elevation drawings which indicate that the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point in accordance with criteria 'h'.

42. *(i) The development should not consist of building operations other than: the installation of windows, doors, roofs, exterior walls; or water, drainage, electricity, gas or other services; and partial demolition necessary to carry out building works.*

43. It is acknowledged in the submitted planning statement that one of the issues, and basis for refusal, on the previous application was whether the building was capable of conversion. Paragraph 105 of the NPPG states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling and it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. The building is therefore expected to be structurally capable of conversion and reuse as a dwelling, without requiring new structural works resulting in substantial 'rebuilding'.

44. As evident from paragraph 43 criteria 'i' states that only works comprising the installation or replacement of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, are permitted. Partial demolition is also permitted to the extent reasonably necessary to carry out the building operations specified.
45. A structural survey was submitted with the previous application, and this has been resubmitted in support of the current application albeit with an addendum. Together these reports confirm that the existing steel framed structure, concrete foundations and floor slab construction have been deemed suitable for retention. A scope of works has also been submitted with the application and this would appear to accord with the building operations and other works permitted under criteria 'i' of the Schedule. The Council's Structural Engineer was consulted on the application and confirmed that they would agree with the conclusions of the structural report provided by Green Arc Design. Therefore, in their opinion the existing building is capable of conversion without unreasonable level of structural intervention/rebuilding.
46. *(j) The site falls on article 1(5) land*
- (k) The site forms part of a SSSI, a safety hazard area or a military explosives storage area.*
- (l) The site is, or contains, a scheduled monument*
- (m) The building is listed.*
47. In assessing the proposal against criteria j-m it is noted that the site is not on article 2(3) land, does not form part of a site of special scientific interest; a safety hazard area or a military explosives storage area and is not a scheduled monument or listed building. As such, the development would accord with criteria 'j-m'.
48. Based on the above therefore, the development is considered to fall within the provisions stated in Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 1995. However, it is noted that where the development proposed is development under Class Q(a) together with development under Class Q(b), under Q.2 the development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the following:
- (a) transport and highways impacts of the development,
 - (b) noise impacts of the development,
 - (c) contamination risks on the site,
 - (d) flooding risks on the site,
 - (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
 - (f) the design or external appearance of the building, and
 - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

Each of these five areas are required to be considered in order to decide whether prior approval is required and if so whether approval should be given.

Transport and Highways Impacts

49. Paragraph 110 of the NPPF requires new development to provide safe and suitable access to the site. Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network.
50. DCC Highways were consulted on the application and noted that the site is served by a private road and so could not be accessed by the DCC Refuse Vehicle. Therefore, the applicant would either need to arrange for refuse to be collected by private collection, or have the bins brought to the nearest adopted highway on the day of collection and then returned to the site the same day.
51. The proposed plans indicate 4 no. vehicle parking spaces to the front of the site which would also provide space for turning of servicing and emergency service vehicles. Although the development would be served by a private access track and would be reliant on the private motor vehicle, this is not considered to be a reason to refuse the application noting that only the criteria set out in paragraph 48 of this report can be considered in the determination of this application.
52. As such, based on the above, the proposals could be safely and satisfactorily accommodated without adverse impact upon the highway in accordance with paragraph 110 of the NPPF and Policy 21 of the CDP and prior approval is not therefore required in this regard.

Noise Impacts

53. Paragraph 123 of the NPPF requires that planning decisions should aim to avoid noise from development giving rise to significant adverse impacts on health and quality of life. In addition, Policy 31 of the County Durham Plan requires new development to have no serious adverse impact on the amenity of people living and working in the vicinity of the site.
54. The Council's Environmental Health Nuisance Action team were consulted on the proposals and have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The EH officer suggested that the proposal is sensitive given the residential usage case, and the site area is primarily rural/agricultural. However, given the scale of the proposed development, and the nature of the site area would not have any immediate concerns regarding impact upon amenity. Overall, they would not expect any significant controls on this development.
55. The EH officer also confirmed that the information submitted demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development will not lead to an adverse impact. In relation to the environmental impacts and their potential to cause a statutory nuisance, the officer is satisfied that the development is unlikely to cause a statutory nuisance.
56. On that basis, the development is considered to accord with the NPPF and Policy 31 of the CDP and, in this respect, the development is not considered to require prior approval of these matters.

Contamination Risks

57. Part 15 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions including former activities

such as mining and pollution arising from previous uses. In line with this Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) states that development will not be permitted unless the developer can demonstrate that any existing contaminated land issues can be satisfactorily addressed by appropriate mitigation measures and the site is suitable for the proposed use.

58. The Council's Environmental Health Contaminated Land officer was consulted on the proposals and have assessed the available information and historical maps with respect to land contamination and have reviewed the submitted Phase 1 Contaminated Land Assessment prepared by ERGO Environmental Ltd. (March 2021). Given the information provided, the officer would agree with the risk assessment and recommendations but due to the fact that this development constitutes a change of use to a more sensitive receptor, recommended conditions requiring a land contamination scheme to be submitted to the LPA prior to commencement of development. As such, a condition should be attached to any consent granted in this regard.
59. As such, subject to the inclusion of the aforementioned condition, it is considered that the development would accord with Part 15 of the NPPF and Policy 32 of the CDP and therefore it is not considered that prior approval is required and granted in this respect.

Flooding Risks

60. Part 14 of the NPPF requires account to be taken of the flood risk to and from developments. Policy 35 of the CDP also 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.
61. As the site does not lie within a Flood Zones 2 or 3 the Environment Agency do not need to be consulted, furthermore it is considered that the area is at low risk of flooding as there are no critical flood issues. The proposal is therefore considered acceptable in flood risk terms and prior approval is not required in this regard no further details are required.

Locational/Site Suitability

62. When considering whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 guidance within NPPG states that the permitted development right does not apply a test in relation to sustainability of location. The right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change the use to residential.
63. In determining whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use, the Guidance makes it clear that it is not a sufficient reason to refuse prior approval to change the use of the building on the basis that the LPA would not normally grant permission for a new dwelling in this location. Therefore, policies and the consideration of issues associated with sustainability and restricting dwellings in the open countryside do not apply.
64. In considering the above, it is noted that the barn has existing access to the highway and given the proximity of the barn adjacent to the existing track, it is considered to have ready access to the main highway and therefore access to services necessary to

function as a dwelling. The barn is detached and not in close proximity to any uses that would render it an undesirable location for change of use to residential. The proposal is therefore considered acceptable in terms of its location and siting and prior approval of matters relating to location and siting are not required. no further details are required.

Design, External Appearance and Provision of Natural Light

65. Part 12 of the NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In line with this, Policy 29 (Sustainable Design) 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.
66. The building sits in a prominent location on top of a knoll and will be highly visible from the public footpath Strawberry Lane (*Shincliffe No. 15*) that passes the site approx. 100m to the west. It will also be seen in a prominent location against the skyline from the A177.
67. Colleagues in DCC Landscape were consulted on the proposals and note that the original building has no merit in terms of visual amenity and does not make a positive contribution to the character and appearance of the area. The converted building would be a prominent isolated feature within the field and as a result there would be visual effects arising from this proposal due to the change of use from agricultural to domestic use and the paraphernalia associated with this. However, it is noted that the principle of conversion is considered acceptable, as established through provision contained in Class Q, as is the fact that the building is already set in isolation and is prominent in existing views. Therefore, in terms of design, the Council's Landscape Section advises that the openings are not standard or domestic in nature and the minimal openings in the side elevations broadly retains the functional simplicity of the original building and generally reflects and upholds the inherently agricultural character of the building.
68. The officer also suggests that the roof cladding should be profiled metal sheeting to match the existing in a dark non-reflective material with conservation rooflights, flush to the roof. Clarification will also be required regarding the garage doors in terms of design, material and colour. Prior approval of these matters is therefore required and conditions requiring the submission and agreement of precise detail in this regard can be attached to any approval granted in this regard. Subject to the inclusion of conditions in this regard the design, external appearance of the building is acceptable and would provide an adequate level of natural light.
69. Generally, it is considered that the proposals would mostly retain the agricultural appearance of the existing building and despite the proposed use as a dwelling, would preserve its agricultural character. It is not therefore considered that any further detail is required in this regard despite the recommendations suggested by the Council's Landscape Section in relation to window detail.
70. The case officer would also note that the proposals ensure that all habitable rooms would have access to natural light and would therefore also comply with the requirements in this regard.
71. Whilst consideration was given to removing permitted development rights that would allow further extension and alteration of the property once occupied as a dwellinghouse through planning condition, it is not considered expedient to do so noting that these rights are explicitly listed as being excluded from any dwellings granted permission

Other Matters

72. Concerns have been raised by neighbours in relation to the impact of the development on highway safety including the ability of the private access road to accommodate additional vehicle movements. However, it is noted that no objections were raised to the proposal in this regard from DCC Highways and it is not considered that the vehicle movements generated by 1 no. additional dwelling would have a significant impact on existing access arrangement, particularly noting the vehicle movements likely associated with the unrestricted permitted use of the building for agriculture.
73. Objections were also raised in relation to the scale of the dwelling and its impact upon the openness of the green belt. However, it is noted that permitted development rights make provision for the change of use proposed and the LPA may consider only those matters listed in paragraph 48 of this report when determining this application. Whilst consequently this is not a matter to which the LPA can have any regard in the determination of the application, it is noted that the scale and mass of the building would remain unaltered by the proposal and as such any impact upon the openness of the green belt would be negligible.
74. In terms of noise, the building is positioned in an isolated location away from other properties and there are no adjacent uses that would have a significant impact on the building or make it otherwise undesirable to be changed to residential use. It is also noted that the Environmental Health Section did not raise any objections to the development and did not consider it likely to result in a statutory nuisance.
75. The character and appearance of the existing building would be largely retained and is therefore considered to be acceptable. Conditions will be attached to the consent to be granted in relation to any replacement roof covering and in relation to the proposed garage doors to ensure the design is acceptable in the context of the countryside.
76. Concerns have been raised suggesting that conversion of this building would lead to further expansion and development. In terms of changes around the building itself, any resulting paraphernalia would be contained within the red line boundary as identified on the location plan and limited as a result of the removal of permitted development rights. This would serve to ensure the agricultural character of the building is maintained and to adequately control any future impact upon the character and appearance of the surrounding area.
77. One objection suggests that the Location Plan is not up-to-date and includes part of a private access. However, it is noted that for the purposes of this application to determine whether prior approval is required from the LPA, under Class W of Part 3 of the GDPO the applicant is simply required to provide a plan indicating the site and showing the proposed development and that this requirement has been satisfactorily discharged by the applicant.

Public Sector Equality Duty

78. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant

protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

79. The development is considered to fall within the required criteria in order to qualify as permitted development through provision contained within Class Q.1 of the Town and Country Planning General Permitted Development) (England) Order 2015 (as amended).
80. The proposal has been assessed in terms of its impact having regard to transport and highways, noise, contamination risks, flooding risks, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, the design or external appearance of the building, and the provision of adequate natural light in all habitable rooms of the dwellinghouses and whilst prior approval is required for contamination risk, design & external appearance and natural light, these matters are considered to be acceptable, subject to conditions, for the reasons detailed in this report
81. Whilst the concerns raised by the neighbouring residents are noted, for the reasons discussed they are not considered sufficient to sustain refusal of the application.
82. In light of the above, the application is reported to the Committee with a recommendation that prior approval is required for contamination risk, design & external appearance and natural light and granted, subject to the conditions listed below.

RECOMMENDATION

That Prior Approval is required for contamination risk, design & external appearance and natural light and granted subject to the following conditions:

1. Development under Class Q must be completed within a period of 3 years from the prior approval date.

Reason: Required to be imposed pursuant to Part 3 Class Q Q.2(3) of the Town and Country Planning General Permitted Development Order 2015 (as amended)

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) 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. 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 2 site investigation, 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 is suitable for use,

in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

4. 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 Part 15 of the National Planning Policy Framework.

5. If, when tested, the existing roof of the building is found to contain asbestos and the roof is required to be removed, any replacement roof shall be profiled metal sheeting to match the existing in a dark non-reflective material with any conservation rooflights flush to the roof.

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.

6. Prior to installation of any garage doors in the building to which this application relates, details of the design, material and colour shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans and supporting documents

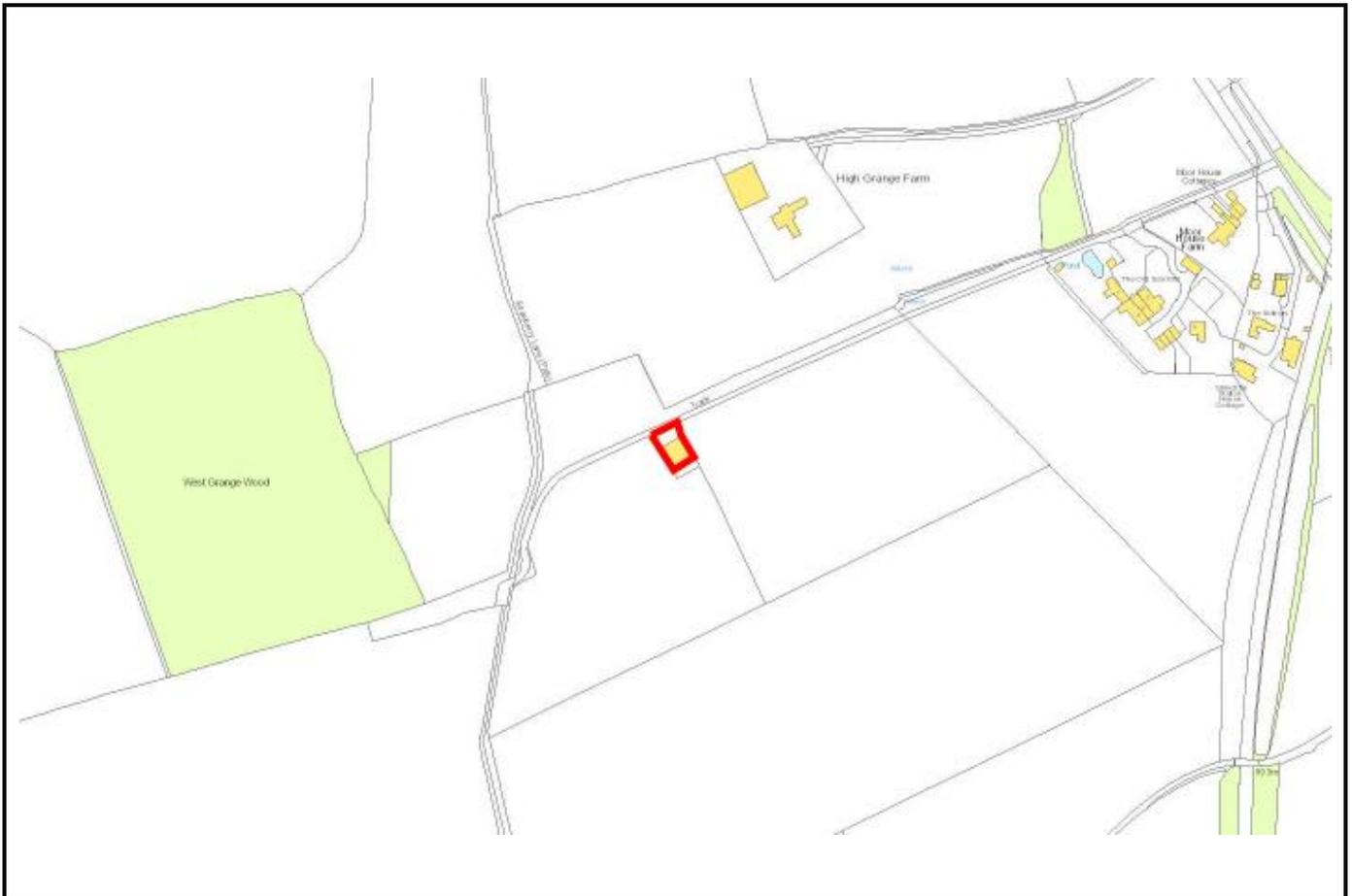
Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2020)



<p>Planning Services</p>	<p>Agricultural Building To The South Of High Grange Farm Shincliffe DH1 2TD</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100049055 2005</p>		
	<p>Date May 2022</p>	<p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/00669/FPA
Full Application Description:	Conversion of vacant dwelling to provide 4no. 2 bedroom residential apartments (C3), single storey extension to side, various external alterations, associated dual vehicle access points, off-street parking and landscaping.
Name of Applicant:	Claypath Property Company Ltd
Address:	115 Gilesgate Gilesgate Durham DH1 1QG
Electoral Division:	Elvet and Gilesgate
Case Officer:	Leigh Dalby (Principal 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 Southern side of the Gilesgate. The surrounding area is predominantly residential in character although there are also a number of commercial units near to the site to the East along Gilesgate and Sherburn Road.
2. The immediate area surrounding the site is typified by two and three storey buildings of varying designs dating from various periods during the evolution of the Gilesgate area. It is noted that to the North there is a modern 3 storey student accommodation facility.

3. The current application site area is approximately 1,345m² (0.13 hectare) in area which comprises a relatively level site, laid to hardstanding which is becoming increasingly overgrown, and a 2-storey dwelling with attached single storey building. Access to the current site is taken via Gilesgate Road to the north.

The Proposal

4. The proposal seeks planning permission for the conversion and change use of the current buildings from a single House in Multiple Occupation and office accommodation, to 4no. 2 bed self-contained residential apartments, including a single storey extension to the side, along with new vehicle access points, off-street parking and landscaping.
5. The proposed conversion would provide 1no. duplex apartment to the ground and first floor of the residential building, 1no. first floor apartment within the residential building and 2no. ground floor apartments within the former office building. Dedicated parking is proposed to the east of this adjacent to the main entrance to the accommodation. The proposal would introduce a new one-way access system taking a point of entry from St. Giles Close to the west with the point of egress onto Gilesgate Road. The proposal would also provide off-site parking spaces for 2no. cottages on St. Giles Close.
6. The application is reported to the Planning Committee at the request of the City of Durham Parish Council who consider that the application would result in adverse impact in terms of highway safety and as such should be determined by the committee.

PLANNING HISTORY

7. No relevant planning history

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 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 provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
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 Moorsley 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.
33. Policy 45 Durham Castle and Cathedral World Heritage Site states that new development within or affecting the World Heritage Site and its setting will be required to sustain and enhance the significance of the designated asset, be based on an understanding of the Outstanding Universal Value of the site, having regard to the adopted World Heritage Site Management Plan and Statement of Outstanding Universal Value and protect and enhance the Outstanding Universal

Value, the immediate and wider setting and important views across, out of, and into the site. Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances.

NEIGHBOURHOOD PLAN POLICY

34. Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
35. Policy H1: Protection and Enhancement of the World Heritage Site requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
36. Policy H2: The Conservation Areas expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
37. Policy T1 - Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
38. Policy T2 – Residential Car Parking supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.

39. Policy T3 – Residential Storage for Cycles and Mobility Aids requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development
40. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.

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 CONSULTEE RESPONSES:

41. The following comments were received following consultation with Statutory and Internal consultees.
42. DCC Highways – No objection after the applicant amended the proposal to introduce a one-way system which would only allow exit from the site onto Gilesgate. On this basis, the development is considered acceptable from a Highways perspective.
43. The Coal Authority – No objection.
44. City of Durham Parish Council – Whilst the Parish Council supports in principle efforts to regenerate this derelict area, it considers the scheme as proposed is completely unacceptable from a highway safety perspective and as such is contrary to key elements of the County Durham Plan, the Neighbourhood Plan and the NPPF. This application should therefore be refused without delay.

INTERNAL CONSULTEE RESPONSES:

45. DCC Design and Conservation – Subject to the use of appropriate materials, and notwithstanding the schedule of works (SOW) to the main building that is currently unknown, the proposed scheme would regenerate this vacant and derelict site. This would provide an enhancement to the significance of the Non-Designated Heritage Asset (NDHA), the character and appearance of the surrounding Conservation Area (CA) and the setting of nearby listed buildings. By default, the proposal would provide a slight benefit within the townscape setting of the WHS. It would not harm views towards, from or across the WHS or impact upon its Outstanding Universal Values conserving its significance in

this respect. It would therefore be suggested that the application would be in accordance with Sections 12 and 16 of the NPPF, Policies 29, 44 and 45 of the now adopted County Durham Plan, and Policies of S1, H1 and H2 of the Neighbourhood Plan.

46. DCC Env. Health Statutory Nuisance – No objections subject to conditions to ensure appropriate mitigation is incorporated within the development sufficient to mitigate impact from noise and to achieve appropriate noise levels within the residential accommodation. The scheme should be submitted to and agreed by the LPA prior to first occupation.
47. DCC Spatial Policy – Identify the principal policies relevant to the current proposal as being policies 6, 21, 29 and 31 of the CDP and that the impact on highways safety and the suitability of the vehicular access to the development should be assessed by the case officer in deciding upon the suitability of this location for residential development.
48. DCC Ecology – No objection subject to the inclusion of a bat informative.

NON-STATUTORY RESPONSES

49. The following comments were received following consultation with non-statutory consultees:
50. Durham Constabulary (Architectural Liaison Officer) – No objections to the proposal but recommends that the developer should consider the Secure by Design principles.
51. Durham University – No response.
52. City of Durham Trust – Property is a NDHA as such care must be taken in the means and materials of the renovation. Concerns are expressed in relation to the access road via St. Giles Close, and although we support the principle, we object to the dual access aspect of the proposal.

PUBLIC RESPONSES

53. The application has been publicised by way of site notice, press advert and 167no. notification letters sent to neighbouring properties, in response 7no. letters of objection, and 4no. representations were received, a summary of the points of objection are as follows:

OBJECTION

- Already enough Student accommodation in the city
- No bin storage
- Car parking is an issue in the area, more houses and students will increase this further
- Noise and disturbance
- Access to the site is too narrow and dangerous

- Residents of St. Giles Close will be in danger when leaving their homes
- Highway safety issues onto Gilesgate
- No access for Emergency vehicles and large delivery vehicles
- EV charging points no details provided

APPLICANTS STATEMENT:

54. The application is for the creation of 4no. two-bedroom apartments within the property of 115 Gilesgate, Durham. Currently, the property consists of an existing dwelling with an adjoining cottage extension, designated as a House of Multi Occupation (HMO). The dwelling and cottage are currently vacant and in need of significant renovations to prevent the property from falling into disrepair and to prevent further break-in attempts.

55. The application proposes to renovate the existing property, keeping the original façade and character of the buildings. The proposal includes the improvement of the visual appearance of the dwelling and cottage, therefore improving the surrounding streetscape. There are potential economic and employment benefits that would arise from the construction and occupation of the proposed apartments and the investment in the area and regeneration of the vacant site.

56. The conversion of the dwelling and cottage into 4no. two-bedroom self-contained apartments will provide high-quality living, suitable for professionals who are working in Durham. The apartments would also have the additional benefits of the off-street parking with gated access and individual entrances to the properties. The gated access provides security, while simultaneously aiding in minimising the number of cars obstructing the main street. Additionally, the proposal provides parking for two of the neighbouring properties 131 and 132, improving their parking facilities.

57. The proposal would provide rare to the market character property apartments, with off-street parking facilities in a historic part of Durham, adding to the overall mix of accommodation in the area. This would make a positive contribution to the housing supply, regeneration of the vacant property, and improving the surrounding streetscape.

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

58. 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

59. 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.
60. 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 elsewhere in this report (criteria a), it is within the existing built framework of Gilesgate 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) and 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.
61. It is therefore considered that the principle of residential accommodation in this location is acceptable subject to the relevant material considerations as set out below.
62. Given the proposal relates to residential accommodation which may be attractive to students, Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) of the County Durham Plan is also relevant which requires that such development, even if not intended for Students, should be assessed against the requirements of Policy 16(2). The fundamental aim in this regard is ensuring that communities create/maintain inclusive places in line with the objective of creating mixed and balanced communities.

63. 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.
64. In taking each of these criteria in turn; with regard to criteria a) the supporting text for Policy 16 highlights that need can be considered in both quantitative and qualitative terms, with Paragraph 5.139 recognising that the student housing market is not static and that there needs to be choice in the market.
65. Durham University were consulted as part of the proposal, however did not respond directly to this application, however they have previously on a recent application for a PBSA provided the following information around the number of students living within the city and advises that there are 22,219 active students at Durham University as of 1st December 2021, and that of these 18,276 live within Durham City (DH1), 7,328 of which are residing in College affiliated accommodation (either owned by the University or leased from the private sector), and that for the next academic year they expect the numbers in College affiliated accommodation to rise to 7,528.
66. It should also be noted that the University have confirmed that 1,610 students have taken an option to study online for this academic year, which was an increase of 1351 from 259 students in December 2019 (pre-pandemic), but that the number of students studying online is expected to reduce post-pandemic.
67. The University Strategy 2017-2027 has a target of 21,500 active students by 2027 and the University acknowledges that it has exceeded this target for a short

period of time due to the outrun of the last two A-level cycles. However, they do note an expectation for this to return to the overall target in the coming years.

68. Whilst there is some question as to the likely quantitative demand for bedspaces covering the 2017 – 2027 period, supporting text to Policy 16 at 5.141 nevertheless advises that consideration of the need for additional student accommodation shall include, but not be limited to, University student growth forecasts and that PBSA can increase choice for the student population. Para. 5.146 recognises that PBSA should reflect the needs and aspirations of the student population.
69. The information provided by the University highlights that in quantitative terms need for student accommodation is currently met as student numbers are in excess of the universities projected figures for this period. However, the applicant has confirmed that whilst the proposal is not intended for students, (and as such consider that an assessment against student accommodation policies is unnecessary), nevertheless note that the properties last use was as a HMO, and as such if students were attracted to the site this would not create any significant adverse impacts and would provide a type of accommodation that would add to the choice and variety of housing accommodation on offer to the student market generally, providing an alternative to traditional HMO style housing or PBSA. Notwithstanding the above, the applicant has reiterated that student occupation is not the intended use.
70. In light of the above it is considered that whilst the proposal is unlikely to meet a quantitative demand, it would comply with policy 16a) of the CDP in that it would meet an identified need to broaden the choice and variety of student accommodation available within the city.
71. In relation to criteria b) it is noted that the applicant has consulted with Durham University and whilst the university did not respond to this, they have nevertheless provided comment in response to the formal consultation from the LPA. As such the requirements of policy 16 in this regard are considered to be satisfied.
72. With regard to criteria c) the proposal would see the reuse of a currently vacant building that would not impact on any retail, employment, leisure, tourism, housing or regeneration objectives within the city and as such it is considered to accord with this criterion of policy 16.
73. With regard to criteria d) the site is located approx. 350m from St. Hild and St. Bede College (Durham University Site) and is situated on a main bus route into and out of the city which provides readily available access to Durham University facilities. It is therefore considered that the proposal is acceptable in this regard.
74. Criteria e) relates to matters regarding the design and layout of the proposals which are considered in more detail elsewhere in the report.
75. In relation to criteria f) the internal layout of the accommodation and facilities are considered to be satisfactory and sufficient space provided.

76. 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 subject to conditions requiring the submission and agreement of sound attenuation measures.
77. 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 although this is considered in more detail elsewhere in this report.
78. Having regard to criteria i) precise details of the security measures requested by the Durham Constabulary liaison officer are to be provided by way of an informative. Notwithstanding the above, precise details of the management of the units can be secured through the submission and agreement of a management strategy with details of all external lighting subject to agreement via planning condition.
79. The final element of Policy 16 for consideration is the impact of the proposal on designated and non-designated assets which is considered in greater detail elsewhere in this report.
80. In light of the above, 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 acceptable in principle, in accordance with Policy 16 of the CDP.

Impact on Heritage assets

81. When considering any application for planning permission that affects a conservation area, s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority shall have special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
82. Policy 16 of the CDP 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'.
83. The application site is located within Durham City Centre Conservation Area although the building itself is not a designated heritage asset. However, both the applicant and the Council's Design and Conservation Section are satisfied that the building should be classified as a non-designated heritage asset due to its historic interest.
84. Policy 44 of the County Durham Plan 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. 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'*.

85. Policy H2 (The Conservation Areas) of the DCNP expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
86. Policy 45 of the County Durham Plan states that the Durham Castle and Cathedral World Heritage Site is a designated asset of the highest significance. Development within or affecting the World Heritage Site and its setting will be required to a) sustain and enhance the significance of the heritage asset, b) be based on an understanding of the Outstanding Universal Value of the site and c) protect and enhance the Outstanding Universal Value, the immediate and wider setting and important views across, out of, and into the site. Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances.
87. Policy H1 of the DCNP (Protection and Enhancement of the World Heritage Site) requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
88. The Council's Design and Conservation Section has assessed the proposal and concluded that subject to the submission and agreement of a scheme of works to be secured through planning condition, the proposal would deliver an enhancement to the significance of the NDHA and the character and appearance of the Conservation Area and the townscape of the WHS through the reintroduction of a positive use to a currently vacant and unused NDHA which at present detracts from the visual amenity of area

89. In light of the above it is considered that the proposal would accord with s.72 of the Planning (Listed Building and Conservation Areas) Act 1990, sections 12 and 16 of the NPPF, Policies 16, 29, 44 and 45 of the County Durham Plan, and Policies of S1, H1 and H2 of the Neighbourhood Plan.

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 4no. units of residential accommodation falling within Class C3 of the Town and Country Planning use Classes Order 1987, the details of which have been assessed by the Councils Env. Health Section who confirms that the scheme is acceptable in terms of residential amenity subject to the inclusion of a planning condition requiring the submission and agreement of a scheme of sound insulation prior to the first occupation of the apartments in order to protect future residents from the transfer of noise from surrounding uses.
94. Policy 29 also requires that new residential development to comply with NDSS requirements. In this regard the application has submitted details that confirm each of the units proposed meet the necessary NDSS requirements both in terms of overall size and individual bedroom space. However, it is noted that 1 unit is suitable only as a 2 bed 3 persons unit based upon the space requirements of 1 bedroom. However, there is no control to prevent this room being occupied by 2

persons. Nevertheless, the development is considered to meet minimum internal space requirements and as such accords with policy 29.

95. 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. With regards to the fear of crime the courts have held that this is only a material consideration where the use, by its nature, would provide a reasonable basis for concern based on robust evidence.
96. In this regard it is of note that Durham Constabulary have not objected to the proposal but requested that the developer have regard to use of Secure by Design principles. Whilst general compliance with those principles cannot be secured through planning condition with many of the suggested measures falling outside of the scope of planning control, several of the suggested measures can easily be incorporated into the conversion such as those relating to the use of PAS compliant doorsets and window specification.
97. In terms of those measures relating to external lighting as already noted the submission and agreement of all external lighting can be secured through planning condition. 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 would comply with Policy 29(m)(1 and 6) of the CDP in that it would provide a safe and defensible development.
98. 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.
99. The Council's Env. Health Section has assessed the development and offers no objection subject to planning conditions as already noted in relation to the submission and agreement of a noise mitigation scheme. Therefore, 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.
100. 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 nearby dwelling exceed the minimum requirements set out by

the Council's Residential Design SPD and as such the scheme is considered acceptable and would sufficiently protect the privacy and amenity of future occupiers and existing residents in accordance with policies 16, 29 and 31 of the CDP.

101. Therefore, it is considered that the proposal 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, Policy S1 and D4 of the Durham City Neighbourhood Plan and Sections 8 and 12 of the NPPF.

Highway and Pedestrian Safety

102. 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
103. DCNP Policy T1 - Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design
104. DCNP Policy T2 – Residential Car Parking supporting developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
105. DCNP Policy T3 – Residential Storage for Cycles and Mobility Aids requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity.
106. Significant concern has been raised from local residents and the Parish Council in relation to the proposed access arrangements which would utilise a one-way system that takes an access from St Giles Close to the west and an egress onto Gilesgate Road to the north. Specifically, the concern is that vehicles entering the site would come into direct conflict with pedestrians entering and leaving those residential properties at St Giles Close as the front doors to some of these units directly abut the private access road. The scheme has undergone a number of amendments since its original submission at the request of the DCC Highway section who are satisfied that the proposed use of the one-way system would safely serve the development.
107. Whilst it is acknowledged that the point of entry from St Giles Close is narrow the Highway Authority nevertheless notes that this is acceptable. In addition, regard

must be had to the previous use as a single HMO and commercial unit which could be reintroduced without control and would itself generate vehicle movements re-using the current access point to the north onto Gilesgate Road. With this in mind it is considered that the movement of lighter vehicle associated with residential uses in a one-way system is considered an improvement to the historic use.

108. The site provides sufficient space to deliver EV charging points and cycle storage in accordance with appropriate planning policies and the submission and agreement of precise detail in this regard can be secured through planning condition. As such the development is considered to be acceptable in relation to Policy T1 of the DCNP
109. In light of the above it is considered that subject to the conditions detailed above it is considered that the proposal complies with Policies 16 and 21 of the County Durham Plan, Policies T1, T2 and T3 of the DCNP and Part 9 (Paragraph 112) of the NPPF.

Impact on the character and appearance of the streetscene

110. 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.
111. 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.
112. The proposal would make some minor amendments to the existing building and where alterations are proposed these are considered sympathetic. As such it is considered that the character and appearance of the area would be maintained and as already noted this view is supported by the Council's Design and Conservation Section.
113. In light of the above it is considered that the proposal is acceptable in relation to Policies 16 and 29 of the CDP and S1 and D4 of the DCNP.

Ecology

114. The proposal has been considered by the County Ecologist who raises no objection to the application subject to the inclusion of the standard bat informative. It is therefore considered that the proposal is acceptable in regard to Policy 41 of the CDP

Connectivity

115. 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 within close proximity to existing residential dwellings close to the centre 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. 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.

Public Sector Equality Duty

116. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

117. 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 the inclusion of appropriate planning conditions. Specifically, it is considered that the development is acceptable in terms of the impact on the designated and non-designated heritage asset in that it would deliver enhancement to the NDHA and the Durham City Centre Conservation Area, provides acceptable levels of amenity space and privacy, and maintains the amenity of the existing residents, is acceptable in terms of highway safety and ecology in accordance with Policies 1, 6, 16, 21, 27, 29, 31, 33, 41, 44 and 45 of the County Durham Plan, S1, H1, H2, T1, T2, T3 and D4 of the Durham City Neighbourhood Plan and Parts 2, 4, 8, 9, 11, 12, 15 and 16 of the National Planning Policy Framework.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 1, 6, 16, 21, 27, 29, 31, 33, 41 and 44 of the County Durham Plan, S1, H1, H2, T1, T2, T3 and D4 of the Durham City Neighbourhood Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

3. No unit hereby approved shall be occupied 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.

4. Prior to beneficial occupation of the premises a scheme of sound proofing measures shall be installed in compliance with Approved Document E - Resistance to the passage of sound. The aim of the scheme shall be to ensure that the noise insulation of walls/floors between the adjoining room shall be sufficient to prevent excessive ingress of noise and shall comply with the following levels:

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

The scheme shall be fully installed and operational prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect the amenity of residents in accordance with the aims of policy 31 of the County Durham Plan and Part 15 of the NPPF.

5. 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, window details and rainwater goods, new surface treatment and landscaping 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.

6. Prior to commencement of the development hereby approved a detailed schedule of works shall be submitted to and agreed in writing by the Local Planning Authority, setting out the current condition of the non-designated

heritage asset and the extent of the internal alterations, and thereafter the approved works shall be undertaken fully in accordance with the agreed details

Reason: To protect the significance of the NDHA in accordance with Policy 44 and 45 of the County Durham Plan and H1 and H2 of the City of Durham Neighbourhood Plan.

7. Prior to the first occupation of 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 and retained 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.

8. Prior to the first occupation of the development hereby approved details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light and shall thereafter, be installed and maintained in accordance with the approved details.

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

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

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework

10. 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.

11. 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 C3 residential 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.

12. 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 the one-way access system, a parking management strategy, details of the means of electronic vehicle charging and building security) 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.

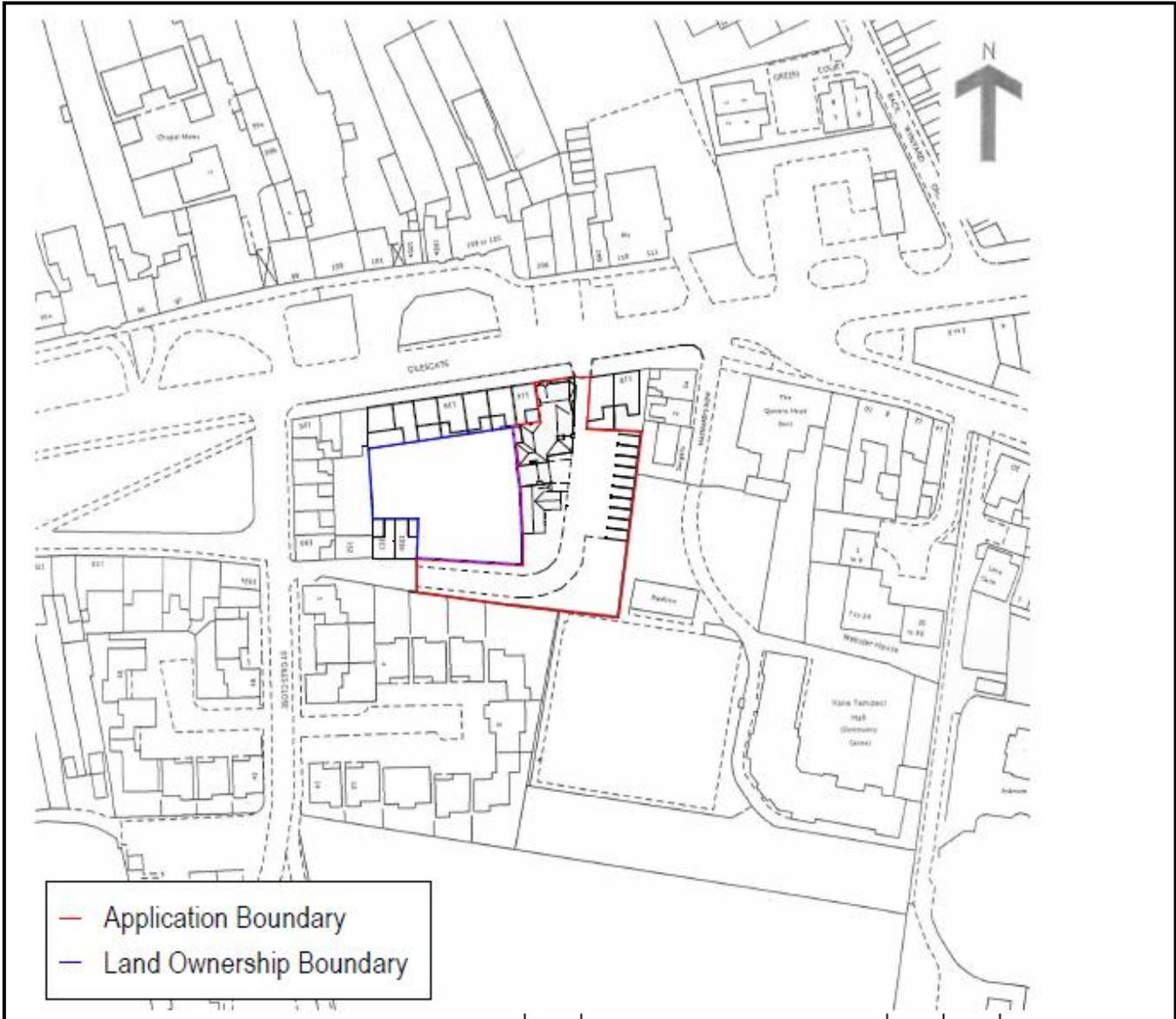
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham City Neighbourhood Plan (2021)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Conversion of vacant dwelling to provide 4no. 2 bedroom residential apartments (C3), single storey extension to side, various external alterations, associated dual vehicle access points, off-street parking and landscaping.</p>	
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	<p>Date June 2022</p>	<p>Scale NTS</p>