



Area Planning Committee (Central and East)

Date Tuesday 9 May 2023

Time 9.30 am

Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the special meeting held on 30 March 2023 and meeting held 11 April 2023 (Pages 3 - 36)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/22/00209/OUT - Land to the west of Dunelm Stables, Thornley, DH6 3BN (Pages 37 - 66)
Outline application with some matter reserved (Appearance, Landscape and Scale) for up to 20 Self-build residential dwellings (C3) with associated works.
 - b) DM/22/01650/FPA - 1 Larches Road, Durham, DH1 4NL (Pages 67 - 84)
Change of use from 6 bed C4 to 9 bed Sui Generis HMO with single storey rear extension.
 - c) DM/23/00456/FPA - 3 Wentworth Drive, Durham, DH1 3FD (Pages 85 - 102)
Change of use from dwelling (use class C3) to House in multiple occupation (HMO) (use class C4).
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
27 April 2023

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

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

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,
J Elmer, C Kay, D McKenna, R Manchester, C Marshall,
J Quinn, K Robson, K Shaw and A Surtees

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Thursday 30 March 2023** at **1.00 pm**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors V Andrews (substitute for A Surtees), A Bell, L Brown, S Deinali, J Elmer, R Manchester, C Marshall, J Quinn, K Robson and K Shaw

Apologies:

Apologies for absence were received from Councillors I Cochrane, C Kay and D McKenna

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, C Kay, D McKenna and A Surtees.

2 Substitute Members

Councillor V Andrews substituted for Councillor A Surtees.

3 Declarations of Interest

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to application on the agenda. He added that he was 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 applications on the agenda.

Councillor L Brown noted she was a Member of the City of Durham Parish Council, however, she was not a member of their Planning Committee and had not had any input into their submission in objection to application on the agenda.

She added that she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

Councillor S Deinali noted in respect of Item 5b she was Member of the Monk Hesleden Parish Council, however, she had no input into their submission in objection to application on the agenda.

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

a DM/22/03247/FPA - Rushford Court, North Road, Durham, DH1 4RY

The Senior Planning Officer, Louisa Ollivere (LO) 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 new ancillary student accommodation facilities building built within grass embankment; minor external changes to existing Harding building including re-instatement of historical entrance location and implementation of associated landscaping scheme and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (LO) noted some updates to the report, with proposed changes to Condition 5 within the report, to change the open hours of the hub/bar for serving drinks and/or food to 0730 to 2300 Mondays to Thursdays, 0730 to 0000 on Fridays and Saturdays and 0730 to 2230 on Sundays. She added that the Local Member had also suggested changes to the hours of operation in relation to construction works, deliveries and so on, to take place 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and with no works or deliveries to take place Sundays, Public or Bank Holidays.

The Chair thanked the Senior Planning Officer (LM) and asked Jeremy Cook OBE, Pro-Vice-Chancellor (Colleges and Student Experience) from Durham University and Matthew Roe, agent for the applicant to speak in support of the application.

J Cook thanked the Chair and Committee for the opportunity to speak and the Officer's feedback on the report and positive recommendation. He noted the strong partnership of the University with Unite Group in terms of the development in 2019/20 and the development for another college within the University.

He noted the Council and University also working in partnership, looking at issues in terms of students including less reliance on houses of multiple occupation (HMOs) and to have accommodation for students that drew them into the city. He noted the collegiate approach taken in Durham and explained how the college became the student's 'family unit' and noted the proposed senior and junior common rooms to help students interact, and not just stay in their bedrooms. He noted the proposals would allow for temporary use by the College of St. Hild and St. Bede while their old site was restored, then for use by a new, eighteenth college for Durham University.

M Roe noted the work with the Council, proactive in ensuring the design was sensitive to heritage assets, noting the report stated that any harm would be 'less than substantial'. He added that the public benefits of the proposals were significantly greater than any minor harm, including: providing an eighteenth college for Durham University; temporary use by the College of St. Hild and St. Bede; addresses student need; provides a 21.6 percent total net increase in habitat units; and significant CO₂ savings.

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

Councillor J Elmer noted he was pleased to see such a development come forward from the University. He noted the pressure on the city in terms of HMOs and those large Purpose Built Student Accommodations (PBSAs) that were not under University control. He noted the design was good, with creative use of the sloping location, being very well screened and with many elements designed to go a long way to mitigate harm to the surrounding area and non-designated heritage assets. He noted the work in terms of biodiversity and CO₂ savings and added that the biggest issue was that it took the pressure off the permanent residents of the city. Accordingly, he moved that the application be approved, subject to the amended conditions as referred to by the Senior Planning Officer (LO).

Councillor A Bell echoed the comments from Councillor J Elmer, noting the design fit very well into the site and existing buildings. He noted that the photomontage within the presentation really helped to understand the design and its relationship to the other buildings and surrounding area and thanked Officer for that. He seconded the motion for approval put forward by Councillor J Elmer.

Councillor C Marshall noted he agreed with the points raised by Councillors J Elmer and A Bell, however, he noted that one application was not a 'golden bullet' and noted that there was still a lot of work to be done with the Council and the University to look to manage student property demand.

Notwithstanding, he noted the proposals represented exactly the type of student accommodation that was needed, and he looked forward to more quality schemes of this nature coming forward in the future, with such good design.

Councillor L Brown noted that the application was within her Electoral Division and noted that it provided no more accommodation, rather provided a student hub and facilities. She added her thanks to the Senior Planning Officer (LO) for the amended conditions to construction times, a benefit to local students and residents, and noted she supported the application.

Councillor K Robson noted he was very happy with the proposals, noting purpose built student facilities were always preferable to retrofitting into older, existing properties and he supported the application.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report and amended conditions relating to hours of operation and construction hours.

b DM/22/00102/OUT - Land to the east of Eden House, High Hesleden, TS27 4QF

The Principal Planning Officer, Leigh Dalby (LD) 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 outline planning consent (with all matters reserved save for access) for the erection of up to 18no. dwellings (amended description) and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

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

Councillor L Brown asked as regards the distance from the development to the nearest bus stop. Councillor S Deinali noted she was one of the Local Members in respect of the application. She explained as regards the location of the bus stop and frequency and destinations of the local bus services, she noted bus stops around 100 metres away on the opposite side of the road.

Councillor A Bell noted it was a strange application in that it appeared to be in a non-sustainable location, there were no objections, no comments from the Local Members and no speakers on the application. He noted it was difficult to judge whether residents wished for the previous haulage use to cease and to have it replaced with residential development. He asked for comments from Highways in terms of right turn into the site and whether there would be any issues. The Principal DM Engineer, David Battensby noted that the site had been looked at very carefully, with an acute angle shown in reference to Mickle Hill Road. He noted that it was the existing access for the haulage business and that at that point nearer to the junction, vehicle speeds would be lower than further along the road. He noted that with only 18 properties proposed, peak generation only represented 10 vehicles and therefore it was more likely vehicles would not need to wait to make the right turn into the site, and the number of occasions in terms of waiting would not be great.

The Principal Planning Officer (LD) reminded the Committee noted that Monk Hesleden Parish Council had provided objections to the application and noted the last bus from the nearby bus stop ran at 7.48pm.

Councillor S Deinali noted that when she initially saw the application she had concerns relating to the access position, that being originally to lead on to Fill Poke Lane. She noted that issue had been addressed and noted that there was only limited traffic through the village. She noted concerns raised as regards sustainable location, however, she noted existing residents use facilities at the other nearby villages in terms of GP Surgery and schools and noted the connections to the nearby A19 and other villages. She added that Fill Poke Lane led to the popular Tweddle Farm and there was also the nearby Crimdon Dene and newly construction Hub, as well as links to the Haswell to Hart Walkway.

Councillor J Elmer noted it was an interesting application, adding he disagreed that it was a sustainable location, it being quite apparent that residents would likely have to use a car in order to access shops and services and therefore would not be in line with County Durham Plan Policy 6. He noted the justification for the approval recommendation was the 'unneighbourly use' by the haulage business. He noted that therefore it was important to understand what local residents wanted, however, he was still at a loss to understand what they would want. Councillor S Deinali noted that there was an hourly bus service to other villages, towns and she agreed that this could be improved to be more frequent, but more people using the services would help make those services more sustainable.

Councillor C Marshall noted that in order to make communities more sustainable there was a need to get more people into an area to help drive investment in services.

He noted that in rural communities, housebuilding was one of only a few ways of rebalancing those local economies. He noted that most households were car users, and that the more contentious would choose to buy an electric vehicle (EV), however, it was a fact for those more rural areas. He noted that on balance he was happy to move approval of the application in order to help improve the sustainability of the area. He was seconded by Councillor J Quinn.

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.

c DM/22/03823/FPA - 3 St Monica Grove, Crossgate Moor, Durham, DH1 4AS

The Planning Officer, Michelle Hurton gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change use of dwellinghouse (C3) to 7 bed large HMO (Sui Generis) including changing the use of the garage into a habitable room and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Planning Officer and asked Members to recall a previous application for the property at 1 St. Monica Grove, approved at Committee at its meeting in February. He asked Parish Councillor Susan Walker, to speak in relation to the application.

Parish Councillor S Walker thanked the Chair and Committee and noted that the Parish Council objected to the application on several counts. She noted that, firstly, in respect of the issue of parking, the Council's Highways Section accepted that three parking spaces was required and submitted plans did show three spaces. She noted, however, that one of the spaces would be locked in behind two other cars, which was never an ideal arrangement especially in a household of three unrelated adults. She noted that more worrying was that in gaining the third parking space it appeared that there was a requirement to remove an established hedge which would not only impinge on the privacy of the residents of 5 St. Monica Grove but was also in direct contravention of CDP Policy 40 which stated that hedges should not be lost unless the benefits clearly outweigh the harm, which the Parish Council felt was clearly not the case in this instance.

Parish Councillor S Walker explained that, should the Committee be minded to approve the application, the Parish Council would ask that the hedge was protected, and the number of bedrooms be reduced to five, to allow for the fact there would only be parking for two cars, in accordance with the Council's own parking supplementary planning document (SPD). She noted that it also appeared that there was no provision of EV charging or bicycle storage facilities, contrary to CDP Policy 16.3 (d) and Durham City Neighbourhood Plan (DCNP) Policy T3. She added that the supplied plans appeared to show there was no route to remove bins from their storage location without the removal of cars, which was not an acceptable arrangement and contrary to CDP Policy 16.3 (e). She reminded the Committee that the CDP stated that development would only be permitted if it meets Policy 16.3 (d) – (g), which the proposed development clearly did not.

Parish Councillor S Walker noted that, secondly, the application was in reality a joint development, as evidenced by the fact the plans for 1 St. Monica Grove were included within the application. She noted that the Parish Council felt it was a de facto PBSA project that sought to overdevelop what were, and should continue to be, residential properties in an established residential street, by imposing high density transient student presence among what were families with young children and older residents, to the detriment to their amenity. She explained that this was contrary to CDP Policy 31 and noted that if the development was permitted, there would be significant loss of amenity to the current residents of both St. Monica Grove and Lyndhurst Drive, with up to 12 unrelated adults living at a single location. She noted it would cause significantly more noise, rubbish and traffic with all the separate journeys and deliveries, more than two family homes, of which there was a significant shortage of in the area. She noted this was contrary to the spirit of CDP Policy 16.3 and because of that, the Parish Council would ask that, if the Committee were minded to approve the application, that they make the recommendations of the Council's Noise Action Team (NAT) mandatory conditions. Parish Councillor S Walker explained they included that prior to occupation of the premises, a scheme of sound proofing measures, to ground the ground floor bedrooms, shall be installed, with the aim of the scheme to ensure that the noise insulation of walls between adjacent properties shall be sufficient to prevent excessive ingress of noise. She added that another condition should be applied to ensure that the use was for HMO use only, with no more than seven occupants to be in the residence at any one time and added that if Committee were minded to reduce the number of bedrooms to five, the occupancy would also be reduced to five.

Parish Councillor S Walker noted that the NAT recommended, and Planners were advised to ensure via condition, that a suitable tenant management plan was provided by the applicant.

She noted that thirdly, there was the issue of need, adding that one of the CDP targets was to create mixed, balanced communities and explained that within Durham City it was increasingly difficult to find affordable family homes and yet, by the University's own admission there was a surplus of student accommodation. She added that was sufficient University and private sector accommodation to meet the 2026/27 target for student numbers and the Parish Council felt it was unacceptable that ordinary working class people were being squeezed out of the city, purely for the benefit of developers.

Parish Councillor S Walker explained that the application was for a development that was both unwanted by local residents and unneeded. She noted the Parish Council had numerous representations from residents who were opposed to the development. She added that while the Parish Council received complaints from the Committee in bringing such matters before Members, it was the job of the Parish Council to do so and it was the job of the Committee to represent the best interests of the residents of Durham, to listen to their views and to find ways of ensuring that the city remained a tranquil and connected place for permanent residents. She noted the Parish Council would plead that, rather than give hints and tips to developers on how they could get the application 'over the line', which she noted appeared to have happened in this case, that Members find a way of doing what the ordinary residents of the community wanted.

The Chair thanked Parish Councillor S Walker and asked Jon Old, speaking on behalf of residents, to address the Committee.

J Old noted there had been 62 objections to the application from the surrounding area, from a spectrum of residents young and old, those with families and those that were retired. He noted the area was within walking distance to nearby schools and was ideally suited for families, with such housing being in short supply. He noted residents had been disappointed that the application for 1 St. Monica Grove had been approved and had not been considered alongside this application. He noted it would in total represent 12 unrelated adults living across the two adjacent properties, effectively a PBSA. He noted that 1 St. Monica Grove was being advertised as a six bed property, not five bed. He explained that new MHO data would be put forward in April and noted the applications had not been deferred to take this into account. He referred Members to a presentation slide which set out properties that residents understood were used by students, and that this would represent a student density within 100 metres to be 11.6 percent.

J Old noted that such applications were an assault on residents' quality of life, contrary to CDP Policy 16.3 and added that CDP Policy 29 (e) noted that development should represent a minimum impact on amenity. He asked that if the application be approved that a 24 hour telephone contact be provided for residents use in reporting issues.

In respect of the parking arrangements, J Old noted that for 12 unrelated adults in total, the number of parking spaces was insufficient, contrary to CDP Policy 6 (e) and asked that the new parking standards be applied in this case.

J Old noted that the area represented a direct route into the city and was part of the National Cycle Network, however, was used as shortcut by students. He noted articles within the Northern Echo from 2019 as regards HMO figures and reiterated there would be an update to figures in April. He asked that the application be deferred until such figures were available or refused as there was no evidence of need, alongside issues with parking and highway safety.

The Chair thanked J Old and asked Officers to respond to the points raised.

The Principal Planning Officer, Paul Hopper (PH) noted that the issues raised were similar to those raised in connection with the previous application referred to for 1 St. Monica Grove. He noted they had been discussed at the last Committee and were addressed within the report. He added that in respect of HMO data, it was updated at two points within the year, the next being in April. He noted that when the report was ready to be considered by Committee it would be listed to be heard, adding there was no planning reason to defer. In terms of car parking, he noted the section within the report set out the view of the Highways Officers, with there being an opportunity for three space without the removal on the hedge. In respect of bin storage, he noted there was a management plan, and the proposals showed the number of bins for the number of occupants could be accommodated, though additional conditions could be applied should Members be minded to do so.

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

Councillor L Brown noted she was one of the Local Members in respect of the application and had a keen interest in the matter. She noted she agreed with the Parish Council in terms of a condition to protect the hedge and would ask that construction hours be brought in line with those agreed for 1 St. Monica Grove, with 0800 start times. She noted that Neighbourhood Wardens had been contacted as regards issues already with the works at 1 St. Monica Grove, with issues relating to the footpath, and asked that Construction Management Plan (CMP) be put in place in terms of this application to prevent such issues. She noted it was a very difficult application, one the one hand local people were not very happy while on the other there were not policy reasons for refusal, which she felt was very disappointing. The Chair asked as regards the proposed conditions put forward by Councillor L Brown.

The Principal Planning Officer (PH) noted that the working hours could be changed to mirror those for 1 St. Monica Grove. In relation to a CMP, he noted that would not normally be pre-commencement, though a potential condition could be worded as regards a trigger point. He noted that a specific condition relating to the hedge may prove difficult, however, he recalled that in the past landscaping plans had been used to include that anything with such plan be protected for a period of five years. Councillor L Brown noted as an aside that it was hoped that a Controlled Parking Zone could be brought in for the area.

Councillor A Bell explained he had been on the Committee since 2009 after Local Government Reorganisation and noted that HMOs had always been an issue. He added the CDP was now in place, with the 10 percent threshold and therefore he would find it hard to find a policy reason for refusal, though he did sympathise with the points made by the Parish Council and local residents. He asked for information as regards what would happen if data in April showed a higher percentage of HMOs. The Principal Planning Officer (PH) reiterated that data was collated twice each year, and that policy as adopted within the CDP noted this. He asked Members to recall that the issue had been discussed at the examination in public of the draft CDP and now that the CDP was adopted, the policy would be adhered to, unless there were other material considerations. He reiterated that there was no reason to hold or defer the application in that respect.

Councillor J Elmer noted concern that one of the rooms did not meet the Nationally Described Space Standards (NDSS). The Principal Planning Officer (PH) noted that had been initially the case, however, an update within the report notes that was no longer the case.

Councillor J Elmer noted that CDP Policy 16 and that while the percentage relating to HMOs within the report was stated as 6.1 percent, the Parish Council and residents state that it was greater than 10 percent. He noted he had read the policy and did not see where it stated it would be based on Council Tax data gathered at a specific time. The Principal Planning Officer, (PH) noted it related to the Class N exemptions, and that data was released twice annually, meaning that in those six month periods, that was the most accurate Class N data. Councillor J Elmer noted he felt that data was not as accurate or up to date as it could be and asked for clarification from the Legal Officer. The Legal Officer (Planning and Highways), Laura Ackermann noted that the data referred to was not out of date, it was that collated at the time of the Council Tax data sift, and that the data was accurate until the next time it was collated and reported. Councillor J Elmer asked if the Council did not have access to the data at all times to be able to assess at any time. The Legal Officer (Planning and Highways) noted that the procedure in place was for twice annual reporting, noting that the process was time consuming.

Councillor J Elmer noted that he disagreed and felt that the Graphical Information System (GIS) data could be kept up to date at all times. The Principal Planning Officer (PH) reiterated that the methodology was as agreed at the examination in public, with Class N data having been felt as robust. Councillor J Elmer noted he had been at the examination in public and did not recall any reference to data being reported twice a year. He explained he felt that this application was the exact opposite to the first item brought forward by the University. He noted this application sought to cram in as many students as possible and while he was not happy with the application it was very complex in terms of looking to try and refuse under policy. The Legal Officer (Planning and Highways) noted the examination in public the use of Council Tax records had been discussed and the Inspector had agreed with the methodology, initially it had been annual, now twice annually.

Councillor R Manchester noted that with the approval of the application for 1 St. Monica Grove in February, surely the data was out of date by at least one HMO. The Principal Planning Officer (PH) noted that policy allowed to take into account non-started previously agreed permissions, adding the figures relating to this were set out within the report and they still were below the 10 percent threshold.

Councillor A Bell noted that the issues were complex in terms of HMOs, however, in this case he would move approval as per the recommendations and suggested conditions as referred to by Councillor L Brown and the Principal Planning Officer (PH). Councillor S Deinali noted she could not see any policy reason to refuse the application and seconded the motion put forward by Councillor A Bell.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report and amended and additional conditions relating to operating hours, landscaping plan and construction management plan.

Councillors A Bell, C Marshall and S Deinali left the meeting at 2.27pm

d DM/22/03703/FPA - 17A Seaside Lane, Easington Colliery, Peterlee, SR8 3PF

The Principal Planning Officer (PH) 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 change of use to hot food takeaway (across all three levels) and erection of high velocity duct/flue/cowl to rear, extracting above eaves but below ridge level and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Senior Planning Officer (LM) and asked the Committee Services Officer to read out a statement on behalf Councillor A Surtees, Local Member.

“Members of the Planning committee apologies for not being in attendance to read this statement in person. I have huge concerns with this application and appreciate your time in listening to this statement which will be read out by the Committee Services Officer. On the whole I feel that the application is detrimental to the community of Easington for a number of reasons and contradicts a number of planning guidelines and policy.

Firstly NPPF 8 Promoting Healthy and Safe Communities. Reducing levels of obesity is a key objective of the council and an overconcentration of hot food takeaways can have a detrimental impact on vitality and viability, as such it is recommended that not more than five percent of premises should be hot food takeaways – furthermore that no new hot food takeaways should be permitted within 400 yards of a school. This application contradicts both, there is a Nursery School (on Crawlaw Road) that is less than 200 yards of this proposal and of the 42 commercial premises in the vicinity only 22 are trading and at least six of those are hot food takeaways. I would argue that both of these elements should determine refusal of this application. Furthermore there is a youth group to operate out of the Methodist Church directly opposite this proposal covering ages 5 to 11 years and 11 years plus.

It is also stated within this report that it is not considered to increase ASB or fear of crime, some facts to consider here are within a six month period 111 incidents of anti-social behaviour were reported of which the main area was around the main street area of an existing hot food takeaway.

At Paragraph 48 (in relation to additional noise and odour) of the report the Environmental Health Officer (EHO) has commented that ‘the information submitted is not sufficient to allow full consideration against the thresholds stated in the Technical Advice Note (TANS). At Paragraph 49 the Environment officer objected to the operating hours.

At Paragraph 50 no details of the menu have been provided which in turn means that the proposed extraction unit does not directly relate to the types of food it should be fit for purpose for. This again cannot be robustly assessed, nor risk assessed based on the EMAQ/DEFRA guidance for the control of odour and noise.

At Paragraph 51, linking back to my first observations about healthy neighbourhoods, how can this be considered as in my opinion there is a high proliferation of hot food takeaways if the findings are based on operation units opposed to all of the nits including the closed and boarded up ones that have not traded for decades in some instances. At a personal level I am also at a loss as to why the application is for a take away over three levels when the building is described as a two storey end terrace and why would you need a three storey takeaway?

Committee Members, thank you for listening to this statement and I would ask that you consider my observations with this proposal and refuse the application based on the following, thank you:

- * within less than 200 yards of a school,*
- *less than 20 yards away from youth provision,*
- *in an area with high levels of anti-social behaviour,*
- *no details of menu, supported by EHO*
- *no details of odour and noise impact, supported by EHO*
- *in an area of high deprivation with more than 5% of units being take aways in existing operational commercial units”.*

The Chair thanked the Committee Services Officer and asked Dr Anton Lang, agent for the applicant, to speak in support of the application.

Dr A Lang explained that that the Case Officer’s report and presentation by the Principal Planning Officer (PH) had already address most of the main points in relation to the application. He noted that the proposals were in line with CDP and NPPF and reference to incorrectly applied distance criteria within written objections was incorrect in itself and therefore was not relevant. He noted that any existing issues of anti-social behaviour were not for this application to address and suggested that any new premises would actually be likely to reduce such behaviour. As regards the menu, this was picked up via condition, with details to then inform the type of ventilation system to be used as Committee were likely already aware from previous similar applications. He explained that seeking permission for three storeys may not look good in principle, however, it was simply to be able to use the whole building for storage rather than three storeys of hot food takeaway. He noted previous use as a tattoo parlour and tanning salon and reiterated that the upper floors would be for storage.

In reference to the concerns raised by the Parish Council, Dr A Lang noted that there were five hot food takeaways and 21 empty units and explained that the use Class A1 and E did not inhibit other class use. He concluded by noting he felt those issues raised would not have sufficient weight at any appeal of an approval decision and noted he would be happy to answer any questions from the Committee.

The Chair thanked Dr A Lang and asked the Committee for their comments and questions.

Councillor J Quinn noted CDP Policy 30 and asked as regards the 400 metre proximity to a local nursery. The Principal Planning Officer (PH) the wording of the policy was 'school or college', and accordingly it was to look at the rationale for the policy, in terms of school age children.

Councillor K Shaw noted he was struggling with the conclusion within paragraph 67 of the report and that the issue was that of imbalance to the mix of shops currently, rather than as regards the future use of any other empty shop units. The Principal Planning Officer (PH) noted that the proposals for hot food takeaway did not preclude any other use in the retail centre and was not undermining the principle of use of the retail centre for retail use. Councillor K Shaw asked if the application was approved would that not then cause an imbalance. The Principal Planning Officer (PH) noted that Officers felt that the addition of one hot food takeaway would not create an imbalance.

Councillor L Brown noted that, given the proposed hours of operation, a licensing application would mirror those in the planning permission. The Principal Planning Officer (PH) noted that information as regards any permission granted would be shared with Licensing colleagues.

Councillor J Quinn moved that the application be approved as per the Officer's recommendation, he was seconded by Councillor L Brown.

Upon a vote being taken it was:

RESOLVED

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

e DM/22/02292/VOC - 5 North Road, Durham, DH1 4SH

The Senior Planning Officer, Lisa Morina (LM) 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 variation of condition 2 of planning permission 4/99/00534/FPA to allow a change in opening hours and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (LM) explained that the application had originally been presented to Committee in December 2022, where Members resolved to defer the proposal to allow Durham Constabulary to present further evidence. She noted that since that time, Durham Constabulary had withdrawn their objection to the scheme, with details as set out within the report.

The Chair thanked the Senior Planning Officer (LM) and asked Parish Councillor S Walker, representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor S Walker thanked the Chair and Committee and noted that the City of Durham Parish joined with the City of Durham Trust in strongly opposing the proposals and urged the Committee to refuse the application today. She noted that firstly the application followed a report from the Parish Council to the County Council's Planning Enforcement Team as regards the premises unlawfully operating 24 hours per day Thursdays to Saturday. She noted that Condition 2 of their original planning permission restricted operating hours of the casino to between 0900 and 2200 each day. She noted that the fact the applicant had knowingly operated outside of these hours demonstrated a scant regard to both planning conditions imposed and the duty of care the operator had to its clientele and the wider community in the city. She added that it therefore brought into question the fitness of the management to run such an establishment when they had minded wilfully to disregard the agreed operating hours by such a margin. Parish Councillor S Walker explained there was also the issue that allowing planning conditions to be flouted in such a manner would inevitably result in a loss of credibility for all planning conditions, which should be avoided at all costs.

Parish Councillor S Walker noted that the applicant's Agent rightly identified a number of nearby commercial premises located within the immediate vicinity of the application site, however, they had most crucially failed to highlight there were over 30 residential properties within the locality, a number of which would be sensitive receptor of those activities associated with the premises.

Parish Councillor S Walker noted that while the Parish Council welcomed the fact that the applicant had dropped their plans for unrestricted trading hours, the Parish Council believed that the premises should be restricted in its operating hours to that of nearby commercial premises, namely Sainsburys Local, being 2300 and The Five Bridges, being midnight. She noted this would be to ensure no adverse impact to residential amenity to those living on the upper floors of the building and nearby.

Parish Councillor S Walker explained that CDP Policy 29 (e) stated that development must “*minimise the impact of development upon the occupants of existing adjacent and nearby properties*”; and continued at (f) to say that development must “*contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users*”. She noted that in addition, Policy 31 relating to amenity and pollution stated that development would be permitted where it could be demonstrated that there would be no unacceptable impact either individually or cumulatively on health. She noted the premises operated not only as a gambling centre, but also an ancillary tanning service. She added that the nature of both of those operations in no way promoted the health and wellbeing of their respective clientele and the fact that the premises had sought to operate 24 hours a day, seven days a week made that even less so. She noted that the Parish Council were concerned that the permission could lead to the exploitation of vulnerable individuals and noted that no noise impact assessment had been carried out, a requirement of DCNP Policy E4.

Parish Councillor S Walker noted that the Parish Council was extremely concerned that the permission would set an unwelcome precedent for future proposals and make them more difficult to resist, adding incrementally to adverse impact upon residential amenity. She noted the Parish Council utterly rejected the Environmental Health Officer’s conclusion that 0800 opening may also be possible when the application only sought 0900 opening. She concluded by noting the Parish Council felt the application conflicted with CDP Policies 29 and 31, DCNP E4 and key parts of the NPPF and urged the Committee to refuse the application in its current form.

The Chair thanked Parish Councillor S Walker and asked Jonathan Wallace, Agent for the applicant to speak in support of the application.

J Wallace thanked the Chair and Committee and noted Claire Welsh and Steven Suggitt from Luxury Leisure to answer any questions as required. He noted he would not recap the points made at Committee in December, and noted the deferral was to allow Durham Constabulary to bring forward details in relation to their objection. He noted, as stated by the Senior Planning Officer (LM) that those objections had now been withdrawn.

In terms of hours of operations, the operator had apologised one the issue had been highlighted, ceased those hours of operation and submitted the application for variation of conditions as before Members.

J Wallace noted that the focus over the last 20 years had shifted in Durham City, with an increase on the night time economy. He noted that the applicant owned the upper floors, and they were not residential and clarified that a noise assessment had been submitted. He explained that the Team operating the premises would ensure noise levels were in line and noted no amplified sounds. He added that customer numbers were similar to that of other sites operated by Luxury Leisure and around no more than 10 per hour. He added that the majority were single individuals and not groups and therefore less likely to be an issue in terms of noise. He concluded by noting the proposals would result in two new jobs and that given no objections from the Council's NAT or Durham Constabulary that the Committee would approve the application.

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

Councillor J Quinn asked as regards the 'accidental' 24 hour operation. The Chair asked J Wallace to respond. J Wallace noted that the management of the premises at the time had noted another similar premises nearby was operating longer and in error extended the hours. He added that once this had been known by Luxury Leisure such operation ceased and a planning application was submitted. Councillor J Quinn asked what safeguards were in place to ensure such an error was not repeated. J Wallace noted that should approval be granted, the details of permitted hours would be communicated to those operating the premises clearly and as regards the need to strictly adhere to those times.

Councillor J Quinn noted when the application was for 24 hour operation he could not have supported it, however, with the reduced hours and withdrawn objections from the Police he would move that the application be approved.

Councillor J Elmer noted that, given the levels of anti-social behaviour and crime in the city centre, opening until 0200 meant there was more temptation for those coming out of pubs and clubs to gamble and potential for those who may lose money to be in an angry frame of mind when exiting the premises. He noted the Police had withdrawn their objections, however, he felt the Committee needed to look at each application on its own merits and he felt that he could not see any justification for the extension of the opening hours, and he agreed with the Parish Council on restricting the opening hours and therefore he would propose that the Committee refuse the application.

The Chair noted that the Police and Parish Council had not objected to other gambling premises and asked for clarification from the Senior Planning Officer (LM). The Senior Planning Officer (LM) noted the Chair was correct and that 0200 opening hours had been agreed by the Environmental Health Officer, the application was deferred for Police to present further evidence in terms of crime statistics relating to North Road. She noted that upon further investigation by the Police they then withdrew their objections in relation to this specific property / application. The Chair noted that if the Committee was minded to refuse, given the Police having withdrawn their objection, he felt that would have significant weight at any appeal of the decision. The Principal Planning Officer (PH) noted that any specific response from consultees, including Durham Constabulary would always be taken into account, however, that did preclude Officers taking a different view, nor the Committee taking a different view.

Councillor K Shaw noted he would second the recommendation for approval put forward by Councillor J Quinn.

Upon a vote being taken it was:

RESOLVED

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

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 11 April 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors L A Holmes (Vice-Chair), L Brown, J Elmer, D McKenna, R Manchester, C Marshall, J Quinn, K Robson, K Shaw and A Surtees

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane and S Deinali.

2 Substitute Members

There were no Substitute Members.

3 Minutes of the meeting held on 14 March 2023

The minutes of the meeting held on 14 March 2023 were confirmed as a correct record by the committee and signed by the Chair.

4 Declarations of Interest, if any

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to application on the agenda. He added that he was 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 applications on the agenda.

Councillor L Brown noted she was a Member of the City of Durham Parish Council, however, she was not a member of their Planning Committee and had not had any input into their submission in objection to application on the agenda. She added that she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

Councillor A Surtees noted she was Local Member in respect of Item 5b and would speak on the application and then leave and take no part in the consideration thereof.

Councillor C Marshall noted he was aware of the applicant in respect of Item 5a from his previous role as Portfolio Holder for Economic Regeneration, however, he had a clear mind in terms of looking at the application at Committee.

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

a DM/22/03232/FPA - 4-6 Silver Street, Durham, DH1 3RB

The Senior Planning Officer, Scott Henderson 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 change of use from Class E 'Commercial, Business and Services' to a mixed-use comprising uses within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted that the fire strategy was not considered via planning policy, rather would be for approval by the County Durham Fire and Rescue Service, who had not responded to the consultation on the application.

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

Parish Councillor G Holland thanked the Chair and Committee and explained that there were those who might have anticipated that this application to bring STACK into the very heart of our city would have been welcomed with open arms. He noted that yet nothing could be further from the truth, as the public responses in paragraphs 54 to 57 in the Officer's report illustrated, there were no words of welcome.

He noted that the Parish Council shares those concerns as yet another large drinking establishment offering long and generous opening hours was being proposed in a scheme which would bring no long-term benefit to the welfare of Durham City.

Parish Councillor G Holland added that the intended development was very close to a World Heritage site in a Conservation Area, and there are established planning policies, national, regional and local that were designed to protect this very special setting.

He noted an example, County Durham Plan (CDP) Policy 45 which warned us that the Durham Castle and Cathedral World Heritage Site was a designated asset of the highest significance. He added that development within, or affecting the World Heritage Site and its setting, "*must protect, sustain and enhance*" the significance of this designated asset and be based on an understanding of the Outstanding Universal Value of the site by having regard to the adopted World Heritage Site Management Plan and Statement of Outstanding Universal Value.

Parish Councillor G Holland explained that approving a large drinking establishment open all hours directly adjacent to our World Heritage Site most certainly did not protect, sustain and enhance it. He added that the justification in Policy 45 of "*wholly exceptional circumstances*" did not apply here. He noted that even when it was the quiet, undemonstrative but useful retail outlet, Marks and Spencer had little architectural merit but had been constructed long before the present planning constraints.

Parish Councillor G Holland noted that in fact, if interpreted as designed, this application failed the guidance of a string of carefully drafted National Planning Policy Framework (NPPF), CDP and Durham City Neighbourhood Plan (DCNP) policies, adding he would return to those later.

He explained that however, the general theme of those policies was that any proposed new development at this locality must protect, sustain and enhance the heritage setting, it must preserve the vitality and viability of the city centre shopping area, and, to quote, "*redress the over-reliance on restaurants and licensed establishments*". He noted the policies also carried a warning about the cumulative impact on the residential amenity of the city centre, an amenity that we were seeking to encourage and expand. He emphasised that those protective policies could not be re-written or set aside.

Parish Councillor G Holland noted that yet, in paragraphs 72 and 126 of his report, in a form of deflected justification, the Officer twice alluded to the 14.3 percent of vacant units in the city at present which was no more than the national average.

He added these had been hard times for all our retailers throughout the UK, and the Parish Council was already working hard with local businesses to encourage the positive retail use of those vacant sites. He explained that city needed retail activity and residential presence far more than, to use STACK's own description, a "*drinking establishment and venues for live music performances and events*", Durham City already having a surfeit of them.

Parish Councillor G Holland noted that by way of attracting support, in paragraph 73, the Officer notes that, in Seaburn, a seaside resort near Sunderland, the STACK facility attracted about 100,000 visitors per month. He noted that equated to, in rain or shine, 1.2 million people flocking to Seaburn every year just to enjoy STACK's hospitality. He noted that furthermore, 55 percent of users visit them more than once and 65 percent spend more than 2 hours with them. He added that a similar story emerged in Newcastle where apparently 66 percent of those who visited STACK undertook to shop for non-essential goods, 90 percent also visited another licensed premises, and 70 percent dining at another restaurant. Parish Councillor G Holland noted that to their credit, STACK makes no mention of them in their own submission in this report. He explained that Durham was not Seaburn, it was not Newcastle and therefore those comparisons were a redundant allusion.

Parish Councillor G Holland noted that again, Paragraph 63 set out that this version of STACK included a roof terrace which was a key feature of the scheme and that it "*will be an attractive selling point*". He asked, 'selling to whom?'

He noted that the Parish Council has also raised concerns about Public Safety, and this has been brushed aside in paragraph 124 of the Officer's report which reads: "*The issue of unsafe fire evacuation has been raised. Consultation was carried out with the Fire Brigade, but no comments were received.*" He noted that evidently, STACK must now get its own fire safety certificate outside the Planning System and to quote "*it is understood this is in place*". Parish Councillor G Holland asked 'so, where was it?'

Parish Councillor G Holland noted the application proposed using 2,729 square metres of floor space to its full extent, no doubt broken into smaller units serving different tastes. He added that judging by the very high level of usage anticipated in paragraph 73 of the Officer's report, secure fire escape routes were absolutely essential.

He noted the plans showed two exits from the second floor of the premises and those accompanying the licensing application had 150 people escaping via the narrower further door, and 410 via the nearer door.

Parish Councillor G Holland noted that if Members of the Committee had been on a site visit they would have seen that the width of the unlit, cobbled and uneven Moatside Lane which narrowed to 1.18 metres with a fall of 7.61 metres down uneven steps over the 41 metres from the exit into the relative safety of Silver Street. He noted there was also a bend in the lane and Silver Street could not be seen from the fire exits. He added that as a result, Members will understand the dangers to about 560 people of varying ages and abilities hurriedly making their way out of the building and down into the darkness of Moatside Lane to Silver Street, Moatside must be lit, restored and made safe.

Parish Councillor G Holland explained that paragraph 124 of the report therefore flied in the face of the demands of NPPF Paragraph 97 and DCNP Policy E4. He noted there was the brief note in the Officer's report that *"escape into narrow lanes to be reviewed by fire engineer"*. He noted again, 'what has happened to that?'.

He reiterated that the application was for a large development set in the heart of our city very close to a World Heritage Site and added that from all the evidence given, STACK did not meet the aspirations of those who live and work in the city who want more accommodation and retail options. He noted there was already a surfeit of premises that fulfil the leisure, eating and drinking needs and some of those were already causing social problems that have become an increasing burden on our Council's limited resources.

Parish Councillor G Holland explained that the Parish Council believed that the application was contrary to the guidance of many of our policies, in particular: firstly, CDP policies 9, 29 (e) and (d), 31, 44 and 45; secondly, DCNP policies E4, H1 and H2; and thirdly, the important but more generalised paragraphs 90, 97, 174 and 185, 197, 199 and 206 of the NPPF. He noted that, taken together, all those policies were designed to protect the city centre from this type of overbearing establishment, and they should be used. He added that furthermore, by diminishing their relevance in his report, and by his enthusiastic endorsement of this proposal, the Officer had placed the Committee in a difficult position.

Parish Councillor G Holland explained that the Parish Council most certainly did not agree with the Officer's conclusion in paragraph 105 that *"the significance and setting of the heritage assets... would be either sustained, conserved or slightly enhanced"* by the proposed development, a comment the Parish Council believed to be unfounded, nor did the Parish Council believe that it could be achieved by the imposition of conditions. Parish Councillor G Holland concluded by noting that unless the Parish Council's clear concerns could be fully addressed, the Committee, acting on our behalf, should refuse the application using the planning reasons outlined.

The Chair thanked Parish Councillor G Holland and asked Roger Cornwell, representing the City of Durham Trust to speak in objection to the application.

R Cornwell thanked the Chair and Committee and noted that the City of Durham Trust's objection in this case was site specific and should not be taken as criticism of the approval for STACK in Bishop Auckland. He noted the Trust remained concerned about the emergency escape routes, especially onto Moatside Lane, which was not a safe escape route. He noted it was narrow, dark, twisting and sloping, adding people escaping may not be sober, may be wearing high heels, and the path may be wet and slippery. He added that funnelling crowds into a confined space was a recipe for catastrophe, anyone falling could be crushed and serious injury or death could result.

R Cornwell noted the applicant had multiple opportunities to elaborate on their fire safety assessment, however, had kept their plans confidential. He noted that CDP Policy 29 (b) required that development to *'ensure public safety and security'*, adding the Committee were being asked to take that on trust, that an expert appointed by the developer had assessed all the risks. He asked why the developer would not say where all the emergency exits were, and how they could be used safely. He explained there were copious multi-page reports on issues such as noise assessments, however, only a few words and no details on this key matter.

R Cornwell explained that there were a lot of people, mostly students, living close to the application site, and referred to a map on the projector screen highlighting those. He noted that the University had told the Licensing Committee there were over 100 students living nearby. He added that alongside the map, there was a list of recent planning permissions to house students above shops in Silver Street. He noted the Trust believed that some of the statutory consultees were not aware of this and that their assessments did not take that into account. He noted that those residents would be disturbed, not only by noise from the roof terrace, but also the crowds emerging on to Silver Street when the night was over.

R Cornwell explained that STACK had told the Licensing Committee that the venue would have a total capacity of 1,548 people. He added that the licence permitted them to stay open until 1.30am at weekends, and when the night was over the crowd would come out on to Silver Street. He noted that it was a confined space where sound echoed off the surrounding buildings, adding that, with the sound of live acts ringing in their ears, patrons would not be quiet. He explained that another issue was that there could also be crowds building up at the start of the evening, which was when deliveries were made on Silver Street, the street only being pedestrianised until 6.00pm.

He referred to photographs with his last two presentation slides that showed how little room there was when a Tesco lorry made a deliver. He added that STACK was planning that separate deliveries of food and drink would be made by large vehicles coming five times a week, each to drop off at the Silver Street entrance.

R Cornwell explained that the photographs showed that there could well be conflict between those delivery vehicles and even modest crowds queuing to get into STACK.

He explained that the Trust failed to see how it was relevant that STACK might bring significant economic growth to the city as was claimed in paragraph 74 of the Officer's report, however, on the other hand the negative impact that Stack could have on the 24 established food and drink businesses that had objected was not a material planning consideration. He added this was not to mention the people working at Yorkshire Trading who would lose their jobs. He noted that surely they were the opposite sides of the same coin.

R Cornwell noted that unlike other STACK sites, which had been temporary structures on cleared sites, what was proposed for Durham was a partial demolition to create a building suitable for STACK's offering, however, which if and when they leave, would not be suitable for conversion back to other commercial uses. He added that therefore, for a potential short-term gain, there could be a long-term large vacant unit in the city.

R Cornwell noted that the Trust supported all that Parish Councillor G Holland had said on behalf of the Parish Council, especially in terms of the impact upon the World Heritage Site. He noted in conclusion that the Trust believed that STACK was the wrong development for this key site and therefore the Trust would ask that the Committee refuse the application.

The Chair thanked R Cornwell and asked Matthew Sobic, Agent for the Applicant, to speak in support of the application.

M Sobic thanked the Chair and Committee and explained that the application would help support the vitality of the city centre and STACK were committed to their communities, including in County Durham at Bishop Auckland. He noted the building was currently only part occupied, only covering its rates. He explained that the proposals would bring the whole building back into use, with a coffee shop, food and drink offer, live music, dog shows, children's shows and many other uses. He explained that the use in the morning would be a coffee shop and the flexible use proposed would help increase footfall in the city centre. He noted a change of use granted in 2020 meant that café, residential and leisure use were permitted without planning and explained that many old retailers no longer require city centre sites. He noted that the previous change of use with student accommodation on the upper floors, only had the ground floor for use for retail, whereas the current proposals would be for use of all floors all days for customers to use, helping to ensure the vitality of the city centre.

M Sobic noted the proposals would represent 176 employees, contribution around £4million in wages. He noted that while STACK was modern, it would fit in with heritage.

He noted the current level of vacancies on Silver Street was 14.3 percent, above the national average and therefore the purpose of the application was to help bring the area back to life and STACK could help attract more businesses into the city centre.

M Sobic noted that conditions relating to noise management were accepted and the opening hours had been agreed by the Licensing Committee. He concluded by noting the application represented a positive contribution to the area, adding that all the technical aspects attached to the application were in accord with the CDP and NCNP and therefore he would hope the Committee would approve the application.

The Chair thanked M Sobic and asked the Senior Planning Officer to comment on the points raised by the Speakers.

The Senior Planning Officer noted the issues raised in terms of the fire safety strategy and competition to other businesses as a consequence of the proposed development and explained that those issues were not for the planning process to deal with, with fire safety strategy being an issue for the applicant to address.

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

Councillor L Brown asked as regards takeaway food, operating hours and delivery times, noise impact upon nearby residents from the 'beer garden' and music until 11.00pm. She noted that in terms of public safety, CDP Policy 29 (b) referred, as did DCNP E4, and Paragraphs 92 and 97 of the NPPF. She explained that Moatside Lane was not safe, it was cobbled, dark, un-lit and the idea of funnelling 800 people down this lane was a deal breaker and noted therefore she could not support the application.

Councillor J Elmer explained he felt it was important to consider the overall desirability of the application. He noted that current use had retail use and student use and he noted that once a large shop was lost in the city centre the overall density of shopping would decrease, making the area less attractive for other retailers and businesses.

Councillor J Elmer noted he had concerns as regards residential amenity, with students sleeping in close proximity to the proposed roof terrace, operating until 1.30pm with a lot of people drinking and likely making noise. He added there would also be the associated noise of people leaving the premises upon closing. He noted that he was also extremely worried as the fire escape and the funnelling of that many people into the narrow lane. He explained that CDP Policy 29 (b) referred to safety and asked why there was no evidence or any response as to whether the Fire Service was satisfied, as this would give the Committee assurance.

Councillor J Elmer explained that there was the setting of the World Heritage Site and Conservation Area and noted that the Committee had a duty to ensure that they were conserved and enhanced. He noted he appreciated the lighting assessment and added that he would appreciate details, such as whether there had been a visual impact assessment as regards the World Heritage Site.

The Senior Planning Officer noted that as regards takeaway use, it was primarily intended for food to be eaten on the premises, though there may be some ancillary takeaway use as that could happen. Councillor L Brown asked if the Licence allowed for hot food takeaway use. The Senior Planning Officer noted the applicant's agent may be able to answer. Neil Winch noted they do allowed deliveries, accounting usually around five to ten percent, M Sobic added it would be no more than any other usual food and beverage business.

The Senior Planning Officer noted the question in terms of the public safety element of policy, adding the fire escape strategy was very specific, with the planning policy relating to the general operation and use of the premises, separate to any emergency situation, which fire safety regulations would apply.

He reiterated that from the planning policy perspective, the application would be looked at in terms of general public safety and that was how the application was assessed. He added it was for the applicant to get the requisite approvals from the Fire Service.

Councillor J Quinn noted he disagreed with the Members who had spoke so far and he felt that the proposals represented a good application, adding he felt it was difficult to attach businesses to these type of large units, noting many that remained empty for years in Newton Aycliffe. He felt it had many benefits in terms of employment, adding a music/comedy venue in the city, and noted his positive experience of the similar venue previous at Newcastle. Accordingly, he moved approval as per the recommendations within the report.

Councillor K Shaw noted he echoed the comments from Councillor J Quinn and understood that applications within the city were often contentious, and there was the existing change of use for students. He noted that the proposed alternative mixed use for arts was desirable and would have been exactly the type of application the Council would have wanted had the City of Culture bid been successful. He noted he had attended the STACK at Seaburn and noted that during the daytime it was well used by families, and he felt this type of use would help those coming to see the World Heritage Site as those people would need places to eat. He seconded the motion for approval.

Councillor C Marshall noted that he did think there were issues with the role of place for our towns and the city. He noted that there was a lot of adverse publicity from empty units in town centres and noted the debate on what was felt to be a solution. He added there were difficulties in getting tenants for such large units and there was always the concern that large empty units would end up as a blight if not repurposed. He explained he felt that the proposals represented an improved leisure offer for Durham and that it was not just for alcohol, it was a diverse offer. Councillor C Marshall noted that pre-COVID the tourism economy was worth around £1 billion in County Durham and noted the number of jobs this had supported. He added that he had visited the STACK offers at Newcastle and Seaburn previously with his family and dogs and noted that those had offered positive regeneration for those sites and had proven very popular with the public. He noted they had a good track record of running safe establishments and added that the improved job offer may help bring more people into the city and therefore he would support the application and would welcome more visitors to the county.

Councillor J Elmer noted the claims that the proposal would help retail, however, that was not the opinion of retailers who were in objection to the application.

He noted that it was important to consider the future direction of the city and to consider the DCNP, with this application not being alignment with that Plan. He reiterated that he had a major concern as regards the large number of people being channelled via Moatside Lane and reminded Members of the tragedy a few years ago at the nearby Millennium Place, noting that there were issues to consider in terms of operation as well as fire safety. He noted that he felt the application was disregarding CDP Policy 29 (b) and therefore he would move refusal of the application on the basis it was contrary to that policy.

The Lawyer (Planning and Highways), Neil Carter noted the emphasis of the Senior Planning Officer as regards the issues of fire safety and the general policy in terms of CDP Policy 29 (b). He noted that generally fire safety was outside of planning and was not for the Committee to consider.

Councillor J Elmer noted asked if there was not an issue why had the Fire Service had not responded. The Lawyer (Planning and Highways) noted that he did not know why the Fire Service had not responded and noted the comments relating to the general safety under Policy 29 (b), however, he did not feel it was significant in terms of sustaining refusal. The Senior Planning Officer noted he did not know why the Fire Service had not responded and added it may or may not have been signed off.

Councillor L Brown noted that it was not just CDP Policy 29 (b) that the application was in conflict with, she felt it was also in conflict with DCNP Policy E4 and Paragraphs 92 and 97 of the NPPF, which also referred to public safety. She noted she felt that 800 people having to evacuate down Moatside Lane was a concern and therefore she would second Councillor J Elmer's motion for refusal.

The Chair noted that all Members would wish for our city and town centres to be vital and financially viable, however, he felt this application was beyond that. He noted Durham already had leisure development at Millburngate and Framwelgate Waterside, and therefore the use that needed to be build back up was retail. He noted the current use on the ground floor was for retail, and he felt that this would help attract more retail into the city. He noted he was not sure the proposals added to the vitality of the city and that he too had concerns as regards the exit on to Moatside Lane, as well as the delivery lorries attending at the prime time for use of the proposals.

Councillor J Elmer noted a final point that he appreciated what the Lawyer (Planning and Highways) had said in relation to safety and the Fire Service, however, he felt the Committee were gatekeepers and as he was not confident as regards the fire safety arrangements he felt the Committee could not allow the application to move forward.

The Chair noted that the first motion to be proposed and seconded was by Councillor J Quinn for approval, seconded by Councillor K Shaw and upon a vote being taken it was:

RESOLVED

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

b DM/21/03322/OUT - Snowdons, Seaside Lane, Easington Village, Peterlee, SR8 3TW

The Senior Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for demolition of existing house and rear storage buildings and erection of 41 no. 1 and 2 storey dwellings, with details of proposed access off Seaside Lane and associated parking and landscaping (amended title) and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

The Senior Planning Officer noted that there was a typographical error in the report pack, the adjacent development contribution was £31,000 not £310,000. She added that the voluntary contribution by the applicant in the sum of £13,243 was not required and therefore it could not be given weight. She noted that Condition 3 set out within the report referred to proposed site plans, they would not be required as they were only indicative and therefore would not form part of any approval.

The Chair thanked the Senior Planning Officer and asked Parish Councillor Bill Day, representing Easington Village Parish Council to speak in relation to the application.

Parish Councillor B Day thanked the Chair and Committee noted there was a lot of development in Easington Village, with continued development of green and brown spaces, with a disproportionate number of new houses being approved since 2011. He noted that this had represented a detriment on the character of the village and represented a detriment impact on infrastructure and services. He noted that at the 2011 census had shown 976 households within the Parish, since then there had been consent granted for 378 properties over a number of sites at the Club, former Council Offices, Little Thorpe Hospital. He noted this was in addition to the 900 households to be developed at the nearby Lowfield Road site.

Parish Councillor B Day explained this represented a 42 percent increase since 2011 and added that it was naïve to think that it would not have an impact. He noted the 378 households would no doubt generate around double that in terms of additional car movements, noting that DCC's Highways only commenting in terms of the bus stop.

Parish Councillor B Day noted that the generic calculations in terms of the number of properties within proximity to the proposed development stated around 750 dwellings, he noted that this ignored the wider developments and the larger expansion in terms of the village.

He noted the Officer's report stated that the area was in a sustainable location, however, he felt that this was overly optimistic as regards public transport and added that each development increasing the number of cars and with interest shopping an increase in the number of deliveries. Parish Councillor B Day noted objections from residents in terms of the junction and traffic lights. He noted that there were no financial contributions sought, however, it was known that Easington Academy was oversubscribed, with additional demand also coming from developments at Murton and South Hetton. He added that the Planning Officer had said objections had been taken into account, however, they felt they did not have sufficient weight to recommend refusal, Parish Councillor B Day noted that the Parish Council begged to differ, given the 42 percent increase in the number of dwellings in the area and urged that the Committee put people first and refuse the application.

The Chair thanked Parish Councillor B Day and asked Councillor A Surtees, Local Member to speak in respect of the application.

Councillor A Surtees thanked the Chair and noted that she was not averse to housing development and acknowledged the need for social housing and for older persons. However, she noted that the development needed to be in the right place and the proposed site had raised serious traffic and safety concerns, being on a road with an offset crossroads, and with a junction being on a bend in the road. She noted the DCC traffic report dated August 2022 had agreed that the area was an area of concern and needed to be addressed. She explained that turning right was challenging at the best of times leading towards Seaside Lane. Councillor A Surtees noted that the proposed housing was less than 50 metres from the Thorpe Rod junction and the bus stop would be required to be moved. She added that she felt that the proposals amounted to addition impact, and Seaside Lane already had issues in terms of speeding motorists. She noted a recent survey had shown that 61 percent of cars, over a one week period, had been travelling in excess of the speed limit.

She noted that there was another application relating to Tuthill Quarry that would see heavy vehicles accessing the A19 nearby, so it was not just vehicles from housing that needed to be taken into account. Councillor A Surtees noted that she felt the cumulative impact on the highway network had not been taken into account and noted that local knowledge and the other additional developments in the area should be taken into consideration. She noted that Easington Village had been saturated with planning applications over the last nine years. She noted that the contributions as set out in the report were welcomed, however, there was no contribution in respect of school places and noted, as a Governor on two local schools, that places were oversubscribed. She concluded by noting the development would be something welcomed if it was in an area further down into Easington Colliery, however, the proposed site within the application was simply the wrong place.

Councillor A Surtees left the meeting at 11.23am

The Chair asked the Committee for their comments and questions.

Councillor L Brown asked if there was a cumulative impact policy or whether each application was considered on its own merits. The Senior Planning Officer noted each application was considered on its own merits in terms of issues such as highways, drainage as well as against policies in terms of design, layout and character. She noted the application had been considered against the CDP and it was found to meet the requirements of policy. The Highway Development Manager noted that in terms of cumulative impact, the development proposed falls below the national threshold, with so few trips generated that there was no obligation for a transport assessment to be carried out.

Councillor J Elmer noted that biodiversity net-gain could not be achieved on-site and asked if that effectively meant there would be a net loss. He added he was sceptical as regards any description of provision off-site without any specific details. He noted the high level of local objections, as shown by the Parish Council and Local Member, with reference to impact on character, infrastructure, highways, capacity, services and education, with no contributions in that regard. He noted given the information from the Parish and Local Member he found it odd that schools have noted they could accommodate additional children. He added he felt that the developer contributions seemed very low when compared to the size of the development and loss of green space, so accordingly he had a few outstanding concerns.

The Principal Planning Officer, Paul Hopper noted that in terms of school capacity, the Education Department had been consulted and responded to say contributions were not required, notwithstanding the comments from the Parish and Councillor A Surtees. He noted that when securing s106 monies, they had to be required in order to mitigate the impact of any development, and therefore one would struggle to justify if Education did not say it was required. In respect of open space, the usual methodology was applied, and figures were provided by Spatial Policy methodology.

The Senior Planning Officer noted the responses from ecology were set out within the report, and early discussions had noted that there would not be an ability to meet the requirements on-site and the Ecologist had been agreeable and felt it was achievable to have off-site provision. She noted that while it was always preferable that provision was on-site, there was scope for it to be off-site, with a site identified and the Ecologist being happy with the proposals.

Councillor J Elmer noted that if there was not sufficient space for provision on-site, this inferred that there were density or financial viability issues, and that off-site provision was a last resort. He asked if there had been discussions in that regard. The Principal Planning Officer noted the reduction in properties from 48 to 41, alongside the suite of financial contributions in respect of the application, including the s39 Agreement for off-site delivery and long term management.

Councillor K Shaw noted concerns had been raised by the Local MP as regards flooding and capacity of the sewer system. The Senior Planning Officer noted the area of flooding referred to was not the area of the application site, rather to the north east of the site. She added that for 48 dwellings drainage was not considered to be acceptable, however, with the reduced number of properties and proposed SUDS, the application was now to the satisfaction of the Drainage Officer and CDP Policy 35.

Councillor K Shaw noted that he had concerns as regards the robustness of the information from the Education Department, noting 80 pupils from Seaham not being in their local school. The Principal Planning Officer noted that they had to accept the information provided by colleagues from the Education Department, however, he would note the points raised by Councillors A Surtees and K Shaw.

The Chair noted there were no further comments from the Committee and asked if there were any proposals. There were none. The Chair asked the Lawyer (Planning and Highways) as regards proceeding, the Lawyer (Planning and Highways) noted that the Chair could propose a motion if he so felt.

The Chair proposed that the application be approved, he was seconded by Councillor R Manchester.

Upon a vote been taken, the motion was **LOST**.

The Chair asked if there were any other motions. Councillor C Marshall noted that he felt it was a very delicate site, however, having considered further he actually could not see any material reasons against approval. The Lawyer (Planning and Highways) asked on that basis if Councillor C Marshall had abstained on the previous vote. Councillor C Marshall noted he had, however he could not see any policy reason for refusal so would therefore be in support.

The Lawyer (Planning and Highways) noted that the Chair again put forward a motion for approval and was seconded by Councillor R Manchester and 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.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/00209/OUT
Full Application Description:	Outline application with some matter reserved (Appearance, Landscape and Scale) for up to 20 Self-built residential dwellings (C3) with associated works.
Name of Applicant:	Mr and Mrs Bell, LCC Bell Developments Ltd
Address:	Land To The West Of Dunelm Stables Thornley DH6 3BN
Electoral Division:	Trimdon and Thornley
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 comprises largely of open fields within the general settlement envelope of Thornley. The application site measures approximate 1.74ha and forms phase 3 of the wider residential self-build development. The site is to the south western edge of the settlement and was previously used for horse stabling and a private trotting track and grazing land. To the north of the site are residential properties and Dunelm Road from where the access is taken to the site, to the south and east of the site is open countryside with a new residential development further to the west.
2. There are bus stops within walking distance of the site where a various bus services operate throughout the day to the main local conurbations of Durham

City, Sunderland and Hartlepool, along with various smaller settlements. In addition, the site lies relatively close to community facilities such as schools, shops and health care facilities.

The Proposal

3. The proposal seeks outline planning permission for the development for 20no. self build residential dwellings (Use Class C3) including details of the access and layout with all other matters reserved.
4. The application has been brought to the Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major development.

PLANNING HISTORY

5. The following application are considered relevant to the site history for this application:
 - DM/17/01959/OUT - 19 Self build plots with vehicular and pedestrian access and demolition of 84 Dunelm Road (outline with some matters reserved) Approved 7th December 2017.
 - DM/20/00214/OUT- Outline application for the erection of 14no. self build plots including layout and access (Phase two) with some matter reserved.. Approved. 12th March 2021.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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;
8. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually

supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

9. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. NPPF Part 5 - Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. NPPF Part 6 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. NPPF Part 8 - Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. NPPF Part 9 - Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. NPPF Part 11 - Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
15. NPPF Part 12 - Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It

should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

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

LOCAL PLAN POLICY:

18. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
19. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
22. Policy 19 (Type and Mix of Housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
23. 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.

24. 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.
25. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. Policy 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.
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 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.

33. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
34. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
35. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
36. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
37. Policy 42 Internationally Designated Sites states that development will be refused where it cannot be ascertained, following appropriate assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory test of 'no alternatives' and 'imperative reasons for overriding public interest'.
38. Policy 56 (Safeguarding Mineral Resources) states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

39. There is no relevant neighbourhood plan within this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

40. The following comments were received following consultation with Statutory and Internal consultees.

41. Highway Authority – The proposal is for an extension to the site for up to 20 more units.

I would request that the applicant provides a drawing showing the expected adoption limits of roads and footways (Section 38 drawing) In addition, a drawing showing the swept path for a DCC standard refuse wagon should be provided.

The layout shown on the 'Proposed Site Plan' drg. no. 1976-21-101 indicates positions of visitor parking bays which are poorly distributed. Visitor parking bays should have a 1 metre hardened strip around the edge as a minimum to avoid vehicle occupants stepping onto grass/mud when boarding/alighting vehicles.

Some driveways depicted on the drawing could lead to an additional vehicle being parked resulting in overhanging of footways or carriageway. This is visible at Plots 5 & 6, Plots 7 & 8 and Plot 14.

Private shared drives should have a refuse bin collection point as close to the rear of the adopted footway. The collection point must be of sufficient size to accommodate the number of bins associated with the properties.

42. Lead Local Flood Authority (LLFA) – We advise that the proposed surface water management proposal is an acceptable sustainable solution, and we therefore have no objection in principle. The individual plot soakaways are to be approved by a Building Control Authority, and the soakaways serving the highway are to be approved by the Adopting Authority
43. Environmental Health (Noise Action Team) – No objections subject to conditions
44. Environmental Health (Contaminated Land) – No objection subject to conditions
45. Landscape Section – The site is visible from Crossways Court to the west, from Hilltop Bungalows to the north and from the new housing to the east. Views into the site from the Multi-User Railway Path to the south and from the A181 road to the south-east are filtered by existing deciduous trees, with visibility increasing during the winter months. Visual effects brought about by the development would

therefore be likely to be substantial adverse, significant and permanent at close range and slight adverse and permanent from areas outside the settlement.

Design Considerations - The proposed layout shows relatively dense development cells with a small amount of public open space, structure planting and a landscape buffer. Should the principle of development be acceptable, the development should be reviewed to incorporate street trees and open space, given the lack of open space within the previous housing phases and considering the previous land use of the site.

The mature trees and hedgerow which forms the southern site boundary would become the new settlement boundary. The proposal plans show development plots extending to this boundary. There is evidence of hedge removal on the Phase 1 self-build development to the east which is now completed. This scenario must not be allowed to happen on the proposed application site, so this boundary feature needs to be protected and retained.

46. Tree Section - The site has hedges and trees along its southern boundary. The proposed site plan shows several properties close to this southern boundary.

In order to fully assess the impact the development would have on these trees and hedge, it would be prudent to provide an arboricultural Impact Assessment, identifying the trees and hedges on a plan, along with their Root Protection Areas. Should there be any areas of conflict, these should be clearly identified as well as describing methods of mitigation.

47. Ecology Section – Confirm that applicants have evidenced that net gain can be achieved, however a condition is necessary to ensure bird and bat boxes are installed in each dwelling, and that at reserved matters stage 40 number trees are provided.
48. Education Authority –Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus.
49. In order to mitigate the impact of the development a contribution of £49,662 (3 x £16,554) would be required to facilitate the provision of additional teaching accommodation.
50. Archaeology Section – Request a written scheme of investigation be submitted .

NON-STATUTORY RESPONSES

51. The following comments were received following consultation with non-statutory consultees:
52. NHS – No objection.

PUBLIC RESPONSES

53. The application has been publicised by way of site notice, press advert and 78no. notification letters sent to neighbouring properties. In response 1no. letters of support was received stating that the site would be ideal for family homes.

APPLICANTS STATEMENT:

54. The proposal is for 20 self-build residential plots, which represent the third and final phase of development at Dunelm Stables, building upon the success of phases 1 and 2.
55. Take up of the self-build plots continues to be a great success. This is evident on the ground, and reserved matters applications continue to be submitted, alongside a growing list of enquiries for phase 3. The applicant plays a vital role in the delivery of the self-build units as they continue to provide the essential infrastructure required, including highways and drainage, to enable the self-build plots to be built out.
56. As established with the phase 1, and more recently, the phase 2 development, the principle of new housing in this location is supported by the Local Planning Authority. In this instance the site is adjoined by built form on three sides and effectively represents in the infilling of the remaining space and consolidation of the settlement.
57. The nature and character of development proposed is entirely in keeping with the already approved phases of development, being self build plots. The submitted layout plan provides comfort that the amount of development proposed can be accommodated on the site whilst providing high quality amenity space and enhanced habitats.
58. The applicant has engaged fully with the officers throughout the application process and has responded positively and promptly to any queries raised.
59. They continue to deliver a genuine self-build scheme, despite all the challenges along the way, which has brought numerous benefits to the village of Thornley. Approving this third and final phase of development will allow the applicant to maintain this positive contribution.

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

60. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations, viability), impact on highway and pedestrian safety, impact upon the visual amenity of the area,

landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPAL OF DEVELOPMENT

61. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this respect the development plan for the area consists of the policies contained within the adopted County Durham Plan (2020) CDP.
62. Policy 6 of the CDP supports development on sites which are not allocated in the 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.
63. As detailed above Policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered that the proposal can draw in principle support from this policy given that it is within the built up framework, the site is located within close proximity to compatible residential uses and would not be prejudicial to any existing or permitted adjacent uses (criteria a), it is within the existing built framework of Trimdon and as such 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), would not result in the loss of a valued village facility (criteria g) and would make use of previously developed land (criteria l). Consideration of criteria d, e and f of policy 6 are considered elsewhere within this report. It is not considered that criteria h and j are relevant due to the outline nature of the proposal.
64. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.
65. It is noted that the site is phase 3 of a wider development having been granted consent in 2017, and 2020 for the erection of 19mo. and 14no. dwellings.

SUSTAINABLE DEVELOPMENT

66. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government

agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

67. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.
68. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
69. The proposed development is located within the envelope of the existing village with residential uses to the North and East. The site has easy access to sustainable transport links with a bus route and directly to the North of the site on Dunelm Road (B1279) with bus stops approx. 150m from the main entry to the estate providing direct access to main conurbations and attractions of Sunderland, Durham, Hartlepool, and the Arnison Centre as well as various other local villages and centres. The proposal will have easy access to the various amenities within the village such (shops, pubs and community facilities) and well as the facilities in the nearby neighbouring village of Wheatley Hill (approx. 2.0km). it is therefore considered that the site is a suitable sustainable location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viable of communities.
70. Policy 15 additional requires that all housing developments provide a minimum of 66% of the units to be Building Regulation M4(2) compliant and 10% suitable for older persons. In this regard as the application is all matters reserved these matters are not known at this time, however, this element can be secured by planning condition.
71. Policy 19 of the County Durham Plan requires that developments secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes. In this regard the development would provide the opportunity for a mix of dwelling types potentially including bungalows. It is therefore considered that the mix of dwellings within a self-build development is acceptable and in accordance with the provision of Policy 19.

Principle of development summary

72. In this instance, subject to the proposal securing the relevant planning contributions and obligations as required by policy 25 of the CDP then the application would be considered to be in general accordance with Policy 6 of the County Durham Plan and Section 9 of the NPPF.

Impact on the character and appearance of the streetscene

73. 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.
74. The application is outline with matters relating to the landscape, scale and appearance reserved for the later reserved matters stage. However, it is noted that the applications for the earlier phases of the development of the site has been supported by a design code statement which has specified the plot development ratio and a palette of finishing materials in order to ensure a uniform character and appearance to the properties across the site. It is therefore proposed to introduce a condition requiring the submission of a design code statement that will set the design principles of the site similar to that of the earlier phases to ensure that the character and appearance of the area is maintained.
75. It is therefore considered that subject to the proposed condition on a design code that the character and appearance of the site and wider area will be maintained and therefore acceptable in line with policy 29 of the County Durham Plan.

Landscaping

76. Policy 39 (Landscape) of the CDP states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
77. The Council's Landscape Section have raised concerns in relation to the affects the proposal will have at a local level and the potential encroachment on the hedgerow to the South, and that the development would create a new settlement boundary; they raise concern over the visibility of the site from various locations particularly during the winter months along with issues with the landscape on the site.
78. In regards whilst it is acknowledged that the development will be visible and have some affect on the appearance of the landscape, this development needs to be read in connection with the existing built framework of the area. The proposed

application sites between two existing residential developments and will complete the gap, which is currently present. Given the existing built framework in close proximity to this site it is considered that the impacts will not be so significant to warrant refusal on landscape grounds. In addition, a condition will be imposed to ensure that the hedgerow to the south is retained. As such it is considered that the development would be acceptable in accordance with Policy 39 of the and paragraph 130 of the NPPF subject to appropriate consideration at the reserved matters stage of the final landscaping.

Planning Obligations

79. Policy 25 of the CDP relates to planning obligations and set out requirements for new development to contribute towards the provision and or improvement of physical, social and environmental infrastructure depending on the nature and local/strategic needs. In this in accordance with Policy 25 (Planning Obligations), Policy 15 (affordable housing) and Policy 26 (Green Infrastructure), the development will need to provide certain contributions.
80. Policy 15 of the CDP requires that a development of this nature will be necessary to provide a contribution towards affordable housing. As this site is within a low viability area, 10% of affordable homes would ordinarily be required. NPPF paragraph 64c recognises that the specific requirement for 10% affordable home ownership does not apply on self-build sites, however, affordable provision is still applicable to such schemes in line with para 63 of the NPPF which states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
81. The applicants and the LPA have entered into lengthy discussions in relation to the contribution necessary for affordable housing. The applicant had previously sought to deliver affordable housing onsite for the earlier phases 1 and 2 on the wider development; however, the applicant now proposes a single off-site monetary contribution to the Council to provide affordable housing. In consultation with the Council's Affordable Housing Team a figure of **£253,281.00** has been agreed and would be secured via a s106 agreement.

Open space / Green Infrastructure

82. Paragraph 98 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. The Council prepared its Open Space Needs Assessment (OSNA) in 2018 as part of the preparation of the County Durham

Plan and as such it is considered that this is the most up to date assessment of need for the purposes of Paragraph 98 of the NPPF.

83. Policy 26 (Green Infrastructure) of the CDP states that development will be expected to maintain, protect, and where appropriate, improve the County's green infrastructure network. In accordance with Policy 26 and having regards to the Councils Open Space Needs Assessment (OSNA) it is required that the development should provide onsite amenity open space, along with offsite contributions towards allotments, parks, and play space within the local electorate division.
84. Due to the size of the development, it is required to provide onsite amenity space equivalent to 660m² in area. The submitted details show that the development proposes to provide an area of amenity open space which is approximately 800m² in area, therefore this element of the Green Infrastructure contribution has been met. The remaining offsite elements would be secured via a developer contribution of **£31,482.00** towards enhancement, maintenance or provision within the vicinity of the development
85. Policy 25 of the CDP requires new development to mitigate any matters necessary to make the development acceptable through either planning conditions or planning obligations.

Education provision

86. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that there is insufficient existing educational provision within secondary provision within the area to the extent that a contribution is necessary of **£49,662** to mitigate the impact on the development to provide towards additional teaching accommodation.

Health Contributions

87. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that no contribution is necessary to provide sufficient local health service facilities to accommodate future residents of the development.

Developer contribution conclusion

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

Impact upon Residential Amenity

89. 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.
90. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21.0m between two storey buildings, 18.0m between single storey buildings and provide rear gardens with a minimum dimension of at least 9.0m.
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. It is acknowledged that given that the application seeks outline planning permission with the final design matters reserved for consideration at a later stage. Therefore, the final siting, design and location of windows will be considered at reserved matters stage and as such it is not appropriate to assess the proposal against these considerations at this stage to ensure the residential amenity of existing and proposed residents will be acceptable. However, the layout to be approved shows that the proposal can in the whole achieve the necessary sufficient privacy distances, it is noted that plots 17 and 18 do fall marginally below these separation distances at approx. 20m, however para. 3.7 of the Residential Amenity SPD confirms that the privacy distances are not intended to be rigidly applied and that they can be relaxed where mitigation can be provided. In this regard it is considered that the reduction in 1m from the 21m privacy distance can be appropriately mitigated at the reserved matters stage with appropriate landscaping and boundary treatments.
93. The submitted layout shows that the privacy distances to the existing residential properties can be achieved and that the site could accommodate the proposed 20no. dwellings listed in the application description it is therefore considered that the development is satisfactory in regards to the policy requirements of Policy 29 of the CDP and the residential amenity standards SPD.

94. Policy 29(n) of the CDP requires major new residential development to be assessed against the Building for Life (BfL) supplementary document. However, the supporting text for this policy provides the context as to when this element of policy 29 is applicable, in this regard para. 5.298 of the CDP states that the requirement for a BfL should be in line with the Building for Life SPD which states that the BfL assessment is only applicable on scheme of 50 or more or sites of 1.5ha or more, or smaller scheme in sensitive locations. As this scheme is beneath 50 units, and not in a sensitive location the requirement for a BfL assessment is not necessary. However, a desk based assessment of the application was undertaken by the officer against the BfL scoring matrix (scoring 4 greens, 1 amber and 1 unknown). However, notwithstanding the above, this is element of Policy 29 is not relevant in the consideration of this proposal.
95. Policy 27 of the CDP requires that all new residential development should be served by high-speed broadband connections. The UK Government defines superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are by Superfast internet connections of upto 79mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.
96. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, 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. In this regard it is considered that, given that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in a residential area it is considered that in principle the proposal has the ability to meets the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.
97. Policy 31 (Amenity and Pollution) of the CDP 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.
98. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to cause a nuisance in relation to disturbance during the construction phase for existing nearby residents. However, they have confirmed that subject to planning conditions the nuisances can be adequately

mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.

99. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of Policies 29 and 31 of the County Durham Plan, the Residential Design SPD and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Sustainability and Energy Efficiency

100. Policy 29 of the CDP criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
101. As this is an outline application, these matters will be considered at the reserved matters stage, as such it is considered appropriate to secure these requirements by way of a planning condition.
102. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

Highway and Pedestrian Safety

103. 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
104. The Council's Highway Engineers have assessed the proposal and requested that a plan showing the adoption limits to the roads and swept path of refuse wagons. This information has been supplied and agreed in principle. It is considered these details can be controlled and agreed by way of planning conditions to ensure that the site is constructed as agreed. It is therefore considered on the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.
105. Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard the proposal will be linked to the existing wider residential development and have access to the local sustainable transport links within the settlement..
106. In light of the above it is considered that the proposal is on balance acceptable in line with Policy 21 of the County Durham Plan, and Part 9 of the NPPF subject to the condition set out below.

Trees

107. Policy 40 (Trees, Woodlands and Hedges) of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
108. The Council's Arborist has assessed the proposal and concluded that the scheme may impact tree and hedges to the boundary of the site and that an AIA and root protection plan would be necessary to assess the potential impact. However, the final design and location of each dwelling is reserved for consideration at a later stage. Therefore, it is proposed to require this information to be submitted with each reserved matters application on a plot by plot basis to assess the impact of each dwelling.
109. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted as reserved matter stage the proposal is in compliance with Policy 40 of the CDP.

Ecology

110. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
111. In relation to the above a County Ecologist has considered the proposal and the submitted Environment impact assessment and Biodiversity Net Gain Assessment. The applicants have identified that there will be a BNG net loss within the development, and have provided information to show that the development can in principle achieve a net gain in bio-diversity from the installation of 1 no. Bird and 1 no. Bat box to be installed within the fabric of each plot and no less than 40 native trees across the site. These matters will be secured by planning condition and s.39 agreement to ensure compliance with this requirement.
112. It is therefore considered that the application is acceptable in accordance with Policy 41 of the County Durham Plan and Part 15 of the NPPF.

Drainage

113. 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.

114. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
115. The Council Drainage and Flooding section have assessed the scheme and concluded that the submitted surface water drainage scheme is acceptable, the the in plot soakaways being dealt with by Building Regulations.
116. It is therefore considered that the scheme in acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

CONCLUSION

117. In summary, it is considered that the proposal and site is acceptable in accordance the relevant policies as set out above subject to the relevant conditions.
118. It is therefore considered that the application on balance is acceptable in line with Policies 1, 6, 15, 16, 19, 21, 25, 26, 27, 29, 31, 32, 33, 35, 36, 39, 40, 41, 42 and 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 16 of the National Planning Policy Framework subject to the relevant conditions and contributions.

RECOMMENDATION

That the application be **APPROVED** subject to a s106 agreement to secure offsite affordable housing contribution of £253,281.00, £31,482.00 Green Infrastructure, and £49,662.00 secondary education, and enter into a s39. agreement to secure the management, maintenance and monitoring of BNG for a 30 year period and the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. 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, 15, 16, 19, 21, 25, 26, 27, 29, 31, 32, 33, 35, 36, 39, 40, 41, 42 and 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 16 of the National Planning Policy Framework.

4. The development hereby approved shall comprise no more than 20no. dwellings (C3 use class).

Reason: To define the consent in the interests of proper planning.

5. No development other than site clearance or remediation works shall commence until a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

6. A scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people, shall be submitted for approval alongside an application for reserved matters for the scheme. Thereafter the development shall be carried out fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence

7. No development shall commence until a scheme and supporting information detailing the full engineering details of the proposed 4.8m wide cul de sac road, 1.8m wide footway and vehicular access with turning head, double visitor & single parking layby which have been designed in accordance with the highway adoption standards has been submitted to and approved by the Local Planning Authority.

Thereafter the no development shall commence on any plot of land until the roads, footway and vehicular access has been constructed in accordance with the submitted and approved plans.

No residential properties shall be occupied until the roads and footways as approved are brought up to base course level. Prior to works on each plot starting details of each plot should be provided to include car parking and vehicle access arrangements.

Reason: In order to ensure a satisfactory form of development, and to ensure highway safety in accordance with policy 21 and 24 of the County Durham Plan.

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

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

9. No development shall commence until scheme for hedgerow protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and in accordance with BS 5837 2012.

Reason: In the interests of the appearance of the area and to comply with Part 7 of the National Planning Policy Framework.

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

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

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

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

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

12. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan.

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

14. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Thereafter the finished floor levels required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots. Development shall be carried out in accordance with the approved details.

Reason: To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy 29 and 31 of the County Durham Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

- 15 Prior to the submission of any Reserved Matters application(s), a Detailed Design Code shall be submitted to and agreed in writing with the Local Planning Authority. All applications for Reserved Matters approval shall thereafter be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Detailed Design Code.

Reason: To ensure a satisfactory form of development and to ensure compliance with Policy 29 of the County Durham Plan

- 16 Prior to the first occupation of any dwelling hereby approved all areas of curtilage parking shall be constructed from a permeable paving material the details of which shall be submitted to and agreed by the Local Planning Authority, and thereafter shall be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere.

- 17 The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation agreed under condition 8. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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

- 18 Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the retained hedgerow and all landscape features and open space shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the agreed scheme shall be maintained in perpetuity.

Reason: In the interests of the visual amenity of the area and to comply with Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

- 19 Details of all walls, fences, gates and other means of boundary enclosure to be constructed on the development up to the each individual plot shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling hereby approved. Thereafter prior to any individual plots being developed details of boundary enclosures shall be provided on a plot by plot basis as part of the reserved matters. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the amenity of the occupiers of the site.

20. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area

21. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

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

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

23. No development shall commence above damp proof course of any of the dwellings 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.

24. The surface water management scheme for the proposed development shall be implemented in accordance with the proposed drainage plan - Ref: H77326-JNP-90-XX-DR-C-2006 Rev. P01 26th January 2022, and thereafter maintained and retained for the lifetime of the proposal

REASON: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere.

25. Prior to the first occupation of any dwelling hereby permitted details of 1no. electric vehicle charging point and location per dwelling 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 and retained in perpetuity

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Section 9 of the NPPF.

26. The reserved matters application for each plot shall be supported by a detailed scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon buildings. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation. The agreed renewable and low carbon energy measures shall thereafter be installed in accordance with the approved details thereafter.

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

27. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority on a plot by plot basis. The materials shall accord with the agreed Detailed Design Code (as required by condition 15). Thereafter the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity and to ensure compliance with Policy 29 of the County Durham Plan.

28. The dwellings hereby approved shall not exceed two and a half storeys in height with a maximum height to eaves of 6.3 metres and ridge of 9.5 metres.

Reason: In the interests of visual amenity. and to set the scale of development

29. Any landscaping details required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

30. The reserved matters application for each plot shall be supported by details of 1no. Bat and 1no. Bird habitat within the fabric of each proposed dwelling. The agreed habitats shall thereafter be installed in accordance with the manufactures details and the approved details and shall be retained and available for use in perpetuity for the lifetime of the development..

Reason: To ensure adequate bio-diversity net-gain in accordance with policy 41 of the County Durham Plan and Part 15 of the NPPF.

31. Details of the reserved matters for landscaping shall include the species, size and location of not less than 40no.native trees to be planted in accordance with paragraph 4.4 of the submitted Biodiversity Net Gain Assessment April 2023.

Reason: To ensure adequate bio-diversity net-gain in accordance with policy 41 of the County Durham Plan and Part 15 of the NPPF.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development as detailed within Schedule 2, Part 1 of Class A, AA, B, C, D shall take place without the express grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 15, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 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.

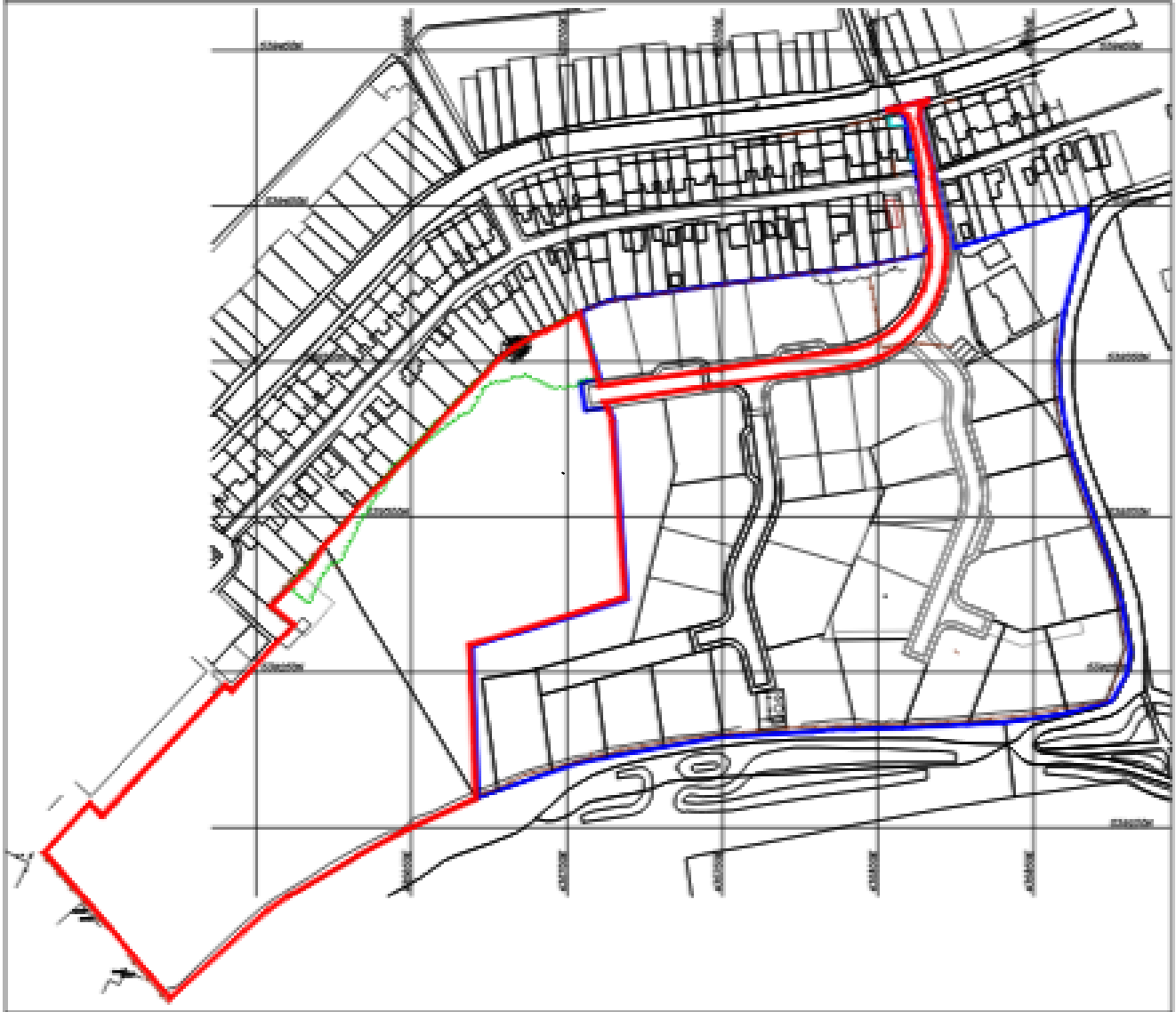
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2023)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Outline application with some matter reserved (Appearance, Landscape and Scale) for up to 20 Self-build residential dwellings (C3) with associated works.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Land to the west of Dunelm Stables</p>	
	<p>Date 26.04.2023</p>	<p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01650/FPA
FULL APPLICATION DESCRIPTION:	Change of use from 6 bed C4 to 9 bed Sui Generis HMO with single storey rear extension
NAME OF APPLICANT:	Mr Jon Yates
ADDRESS:	1 Larches Road Durham DH1 4NL
ELECTORAL DIVISION:	Neville's Cross
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 is an unlisted two-storey detached property located on Larches Road, itself positioned within a residential estate to the north-west of Durham City Centre. The dwelling includes a driveway to the front, which is accessed directly from Larches Road, and a generous garden to the rear.
2. The property has been extended previously by way of a two-storey rear extension, new pitched roof, and carport to the side. The front driveway is enclosed by a low brick boundary wall and the rear garden enclosed by a low timber fence and various hedges and other boundary planting. There is also an existing Birch tree in the rear garden which is protected by a Tree Preservation Order.

The Proposal:

3. Planning permission is sought for the change of use of the property from an existing 6-bed HMO (Use Class C4) to a large 9-bed House in Multiple Occupancy (Use Class Sui Generis) to include a single storey rear extension and internal alterations to the ground floor. The size of the extension has been reduced during the application process, resulting in a total of 9 no. bedrooms, and the design amended.
4. The application is being reported to planning committee at the request of Cllr Elizabeth Brown due to the level of objection received to the application that cite several material planning considerations.

PLANNING HISTORY

5. 4/05/01096/FPA Erection of two storey full width extension to rear, new pitched roof to entire dwelling, pitched roof garage to side, and alterations to fenestration of existing dwelling. Approved 20th January 2006.
6. 4/05/00830/FPA Extension of existing dwelling, involving two storey pitched roof additions to side and rear, and raising of overall roof height. Refused 11th October 2005.

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 2 - Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. NPPF Part 4 – Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. NPPF Part 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.
11. 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.
12. 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.
13. NPPF Part 15 - Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of

ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

14. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

15. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
16. 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.
17. 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 to ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
18. 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.

19. 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
20. 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.
21. Policy 40 (Trees, Woodlands and Hedges) will not permit proposals for new development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
22. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/41575/Residential-Amenity-Standards-SPD-January-2023-/pdf/ResidentialAmenityStandardsSPDJanuary2023.pdf?m=638107754686670000>

Neighbourhood Plan

23. The following policies of the Durham City Neighbourhood Plan (DCNP) are considered relevant to the determination of this application.
24. Policy S1 (Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions) sets out the economic, social and environmental criteria that development proposals will be required to meet.
25. Policy H3 (Our Neighbourhood Outside the Conservation Areas) requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.

26. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should be of a high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
27. Policy T2 Residential Car Parking seeks to ensure that proposed development would be served by sufficient car parking spaces.
28. 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.

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637630042066500000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. The Highway Authority offer no objection noting that it is considered that the proposal would not be detrimental to road safety and is acceptable from a Highways safety perspective.
30. City of Durham Parish Council object to the application on grounds that the development would result in an overcrowded HMO in a residential area and would be contrary to Policies 29 and 31 of the CDP and Policies S1, H3 and D4 of the DCNP. They also note the number of objections received describing the unkempt appearance and poor management of the property and suggest the development will have an unacceptable impact on residential amenity, does not contribute towards healthy neighbourhoods, and note that no mitigation measures are demonstrated.
31. In addition, the Parish Council initially noted that the Council's HMO Team had objected to the proposals, however, it is noted that this objection has now been withdrawn. The Parish Council were re-consulted on the most recent amended plans, however, no further comments were received.

INTERNAL CONSULTEE RESPONSES:

32. HMO Data have confirmed that the percentage of properties within the 100m radius of and including the application site that are exempt from Council Tax is 8.5%.
33. HMO Licensing removed their objection to the application, following amendments, and confirmed that a variation to the existing licence will be required prior to the increase in occupiers. All of Durham County Council's relevant published fire safety and amenity standards should also be complied with.
34. Environment, Health and Consumer Protection (Nuisance Action Team) consider that the development is likely to generate additional general noise from comings and goings of occupants. However, is satisfied based on the information submitted with the application that the development is unlikely to cause a statutory nuisance. In terms of the construction phase the officer considers that this is likely to be brief and assuming works are kept within suitable hours, it is not expected that the impact of this phase is likely to lead to a breach of the levels stated in the TANS.

35. Landscape (Trees) are now satisfied with the proposed tree protection drawing and information submitted.

PUBLIC RESPONSES:

36. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. Neighbours and contributors have also been re-consulted on the amended proposals. There have been 38 letters of objection received in relation to the proposals, including from The City of Durham Trust and Mary Kelly Foy MP. The comments are summarised as follows:

- Inaccurate plans and information submitted with application
- Missing floor plans/second floor plan
- Increased noise and disturbance
- Increase in students considered to be inappropriate in this residential location
- Parking and highway safety issues
- Potential anti-social behaviour
- Impact on trees/ birch protected by TPO to rear of property
- Management of rubbish/bins
- Design and scale of extension is unacceptable
- Extension is out of keeping with existing dwelling and other properties/area
- Extension will not enhance Larches Road
- Means of escape inadequate and no natural light to kitchen
- Extension would overlook neighbouring gardens and impact on privacy
- Extension would be overbearing to neighbouring properties
- Intensification of existing use would be detrimental to local community
- Property could be further subdivided
- Poor management of existing property
- Development is contrary to social and environmental objectives of NP
- Extension would have huge impact on neighbouring properties
- Potential disruption to rear access by excessive parking and construction vehicles
- Proposals fails against Policies 16, 29 and 31 of the CDP and Policies S1, H3 and D4 of the DCNP.

37. A number of concerns were initially raised in relation to the accuracy of information submitted with the application, missing second floor plans, and accuracy of details and plans submitted in relation to the protected Birch tree to the rear of the property. However, it is considered that these issues have been addressed.

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:

38. I have asked for an extension at 1 Larches RD where I own a 6 bed house built on a plot which adjoins a piece of land at the back. When 1 Larches was built, the buyers (the original owners) bought 2 plots and kept one as a garden, so the house has a great deal of space at the back.

I asked for a much bigger extension but have compromised as per the council's request. The extension now being asked for is only single storey and still leaves a huge garden at the back of the house.

I am a responsible landlord living locally and rarely have problems from my tenants. Neighbours occasionally contact me; any problem is swiftly dealt with. To be honest, I

have had more problems with neighbours at 1 Larches than with any of the tenants, even to the extent of having to involve the police.

I have full time employees who maintain my properties, so my houses are at least as well kept as others in the street.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity, impact on parking and highway safety, and trees.

Principle of Development

40. The proposals relate to the change of use of the property from a small 6-bed HMO (Use Class C4) to a large 9-bed HMO (Use Class Sui Generis), to include a single storey extension to the rear of the property and internal alterations to form 4 no. bedrooms with kitchen/dining/living space to the ground floor. The 4 no. bedrooms to the first floor, with en-suite and bathroom, and 1 no. bedroom to the second floor, with en-suite, will remain unaltered.
41. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) 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.
42. In addition, Part 3 of Policy 16 (Houses in Multiple Occupation) of the CDP is of most relevance to the proposal and seeks to promote, create and preserve inclusive, mixed and balanced communities and protect residential amenity. The policy states that applications for extensions that result in specified or potential additional bedspaces and changes of use from any use to an HMO in Sui Generis use will not be permitted if:
- a. Including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
 - b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
 - c. residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a

primary access route between Purpose Built Student Accommodation and the town centre or a university campus.

43. In addition to the above, applications will only be permitted where:
- d. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
 - e. they provide acceptable arrangement for bin storage and other shared facilities and consider other amenity issues;
 - f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
 - g. the application has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.
44. The most recent up to date Council Tax information identifies that within 100m radius of, and including 1 Larches Road, 8.5% of properties are class N exempt properties as defined by Council Tax records. There are no properties with unimplemented consent for the change of use to an HMO within 100m radius and no applications within 100m pending determination. On that basis, the development would be considered to accord with criteria a) and b) of Policy 16(3). The application site is not considered to be on a primary access route between Purpose Built Student Accommodation and the town centre or a university campus and therefore complies with criteria c). The development is therefore considered to be acceptable in principle, subject to further considerations of the proposal against other criteria in Policy 16(3) and other relevant policies.
45. It is acknowledged that objections have been received from local residents raising concerns that the increase in the number of students in this location would be inappropriate and that the intensification of the existing HMO use would be detrimental to the local community. As already discussed, Policy 16(3) relates to extensions to existing HMOs and changes of use to HMOs in a Sui Generis Use and applies the 10% threshold for maximum number of properties being class N exempt properties. As already noted, the application site is already in use as a HMO and given the low level of Class N exempt properties within 100m radius of the site at present (less than 10%), it is not considered that this proposal would be contrary to the NPPF or CDP in this regard.
46. In this instance the development is considered to be acceptable in principle, subject to proper consideration of the material considerations discussed below.

Impact on residential amenity

47. Paragraph 130 of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy 31 (Amenity and Pollution) of the CDP displays broad accord with the aims of paragraph 130 in this regard and 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. 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.
48. In addition, criterion e) of Policy 29 (Sustainable Design) of the CDP states that all development proposals will be required to provide high standards of amenity and

privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 29 also requires that all development proposals will have regard to supplementary planning documents, which includes the council's Residential Amenity Standards Supplementary Planning Document (SPD) referred to in Paragraph 5.303 of the CDP. This sets down standards for alterations, extensions and distances between new dwellings, including extensions.

49. The application site is a detached property located within a residential area and there are residential properties on either side and which enclose the rear garden to the north and south. During the course of the application the extension has been reduced in depth and the design amended to address concerns raised. The extension, as amended, would project from the rear of the property by approximately 6.5m and would be 8.1m wide. The approximate height to the eaves would be 2.6m and to the ridge would be 4m. The extension will have a hipped roof with 2 no. rooflights and would be finished in materials to match the existing dwelling.
50. Several objections have been raised by neighbouring occupants in relation to the proposals which consider the rear extension would have an adverse impact on their privacy and amenity. Due to the siting of development, the closest neighbouring properties to the extension are no. 1 Shaw Wood Close to the south-west and no.9 Fieldhouse Terrace to the north-east.
51. The extension will be positioned approximately 1.8m from the boundary with no. 1 Shaw Wood Close, however, due to the scale of the extension and given that the application site is on a slightly lower ground level than the neighbouring property, it is not considered that there would be any significant overbearing impacts on their amenity space. In addition, it is acknowledged that there is an existing hedge on the boundary to provide some screening to the development, which is proposed to be retained, and the proposed hipped roof which slopes away from the boundary, reaching its maximum height of 4m at a distance of approximately 5.8m from the boundary, would also help to soften the impact. There does not appear to be any ground floor windows directly opposite the extension in the neighbouring property to which there could be any amenity issues and the 2 no. windows proposed in the side elevation of the extension would be high-level and obscure glazed to prevent any overlooking.
52. The extension will be positioned approximately 3.8m from the boundary with no. 9 Fieldhouse Terrace. The Council's Residential Amenity Standards SPD (the SPD) recommends minimum separation distances to protect the privacy, outlook and residential amenity of habitable room windows. The extension would appear to be offset from conservatory to the rear of the neighbouring property but would be approximately 13.8m to what is believed to be a habitable room window. Due to the difference in ground levels and existing hedges and foliage to the boundary it is not considered that there would be any direct intervisibility between the habitable room window and proposed French doors in the side of the single storey extension.
53. The SPD recommends a separation distance of 13m between a habitable room window and blank gable elevation where either property is two-storey in height. The distance between the extension and neighbouring property would principally meet that separation distance, however, it is also recognised that the neighbouring property is situated on a slightly lower level than the application site. Paragraph 3.4 of the SPD suggests that where there is a significant change in levels, the minimum separation/privacy distance will increase by 1m for every full 1m that the floor level of the development would be above the affected floor level of the neighbouring property. However, it is considered that the intention of the guidance is to protect existing arrangements in relation to two storey extensions predominantly from overbearing and

overshadowing. Given that the extension is single storey with a hipped roof sloping up and away from the boundary, and that the separation distance exceeds the recommended distance by approximately 800mm, it is considered unlikely that the development would have any significant adverse impacts on the amenity of the neighbouring occupants.

54. Notwithstanding the above, paragraph 3.5 of the SPD also states that it is not intended to apply the above separation/privacy distances rigidly, and there may be instance where these distances can be relaxed; for example, where the impacts on privacy can be reduced. This may occasionally be achieved, using obscure glazing, boundary treatments, restricted openings and directional windows. It is noted that there is existing planting to the boundary which helps to provide privacy between the application site and no. 9 Fieldhouse Terrace, however, it is acknowledged that this is sparse. As such, on that basis, in order to reduce any potential impacts on the privacy of the neighbouring property it is considered reasonable in this instance to attach a condition to secure erection of a suitable boundary treatment between the extension and neighbouring property.
55. There are windows proposed in the rear elevation of the extension to serve 2 no. bedrooms, however, these will face into the rear garden of the application dwelling and it is not therefore considered that there would be any significant impact in terms of overlooking.
56. On balance, subject to conditions, the development is not considered to have any unacceptable impact upon overbearing, overshadowing or loss of privacy as a result of the development, in accordance with Policy 31 of the CDP and the SPD.
57. A significant number of objections have been received in response to the application which raise concerns in relation to an increase in noise, disturbance, and antisocial behaviour which they consider would result from the development. The application site is located within a residential area predominantly characterised by family homes. The impact of the development upon residential amenity is a material consideration in determination of this application. Paragraph 5.158 of the supporting text of Policy 16 recognises that where an area already has exceeded the 10% tipping point, it is considered that there is an existing imbalance between HMOs occupied by students and homes occupied by other non-student residents. This can be to the detriment of the residential amenity of the non-student residents in the area. On that basis, it is recognised that an extension to an HMO which results in additional bedspaces would likely introduce further students into an area where there are already concerns about the impact of the student population on the residential amenity of non-student residents. For this reason, extensions to HMOs to accommodate bedspaces where the 10% tipping point is exceeded will not be supported.
58. The Council's EHO has been consulted on the development 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 EHO advised that it is difficult to quantify the potential for noise impact associated with the proposed development as there is no specific guidance or thresholds associated with developments of this nature. However, the change of use proposed will lead to a significant intensification of residential use of the property via the introduction of an increased number of bedrooms/occupants. This will increase the likelihood of general noise, as a result of comings and goings to the property, which may impact on neighbouring residential use. In addition, the EHO confirmed that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection

Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

59. While it is also acknowledged that the demographic that use this type of accommodation are often associated with greater use of the night time economy and as such an increased level of night time noise may occur. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly. In addition, in this instance it is noted that there is no identified over proliferation of existing HMOs within 100 metres of the application site and the property is already in use as an HMO and would remain so. On that basis and noting that the EHO did not object to the application, it is not considered that the extension to the existing HMO and additional resulting bedspaces would result in a level of cumulative impact that would be significantly detrimental to residential amenity.
60. Concerns have also been raised in relation to the construction phase of the development and access and parking of construction traffic to the rear of the property. Considering the scale of the proposals, the EHO considered this would likely be relatively brief, assuming the works are kept within suitable hours it is not expected that the impact of this phase would likely to lead to a breach of the levels stated in the TANS. A condition will therefore be attached in this regard to protect the amenity of neighbouring occupants. Given the scale of the development it is not considered to be reasonable to require a construction management plan in this instance.
61. In addition, concerns have been raised in relation to the management of rubbish and bin storage at the property. Poor management of rubbish and recycling at HMOs can lead to unattractive frontages, problems with vermin and raise concerns over health and safety. Such issues can affect the amenity of nearby properties and may lead to complaints from neighbouring residents. The applicant has indicated that the bins will be stored under the car port to the side of the property.
62. In relation to the amenity of future occupants of the development, concerns were initially raised by objectors suggesting that the proposal does not demonstrate future occupants will have acceptable living conditions. The Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. The NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of Policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy. The applicant has provided dimensions on the amended floor plans and the proposed bedrooms would appear to meet the minimum recommended floor spaces, some of which provide space in excess of the minimum 7.5sq metres per room required by NDSS.
63. With regard to the total overall internal space provided across the dwelling as a whole it is noted that the NDSS does not provide guidance specifically relating to 9 bedspace, 9 person dwellings. However, as noted by HMO Licensing the applicant will be required to renew their licence due to the increase in the number of bedrooms and, as such, will have to meet nationally set and locally adopted standards as set out within DCC 'Standards for Housing in Multiple Occupation – 'Shared Houses''. While this is outside of the control of planning and subject to separate legislation, nevertheless, it is considered to provide a benchmark to assess the suitability of the accommodation provided. A combined living/dining/kitchen area is proposed within the ground floor of the property, as indicated on the floor plans, which is approximately 39 square metres. The HMO Licensing standards requires a floor area of 21 square metres for such combined accommodation where it is intended to be used by 6-10 persons. As such it

considered that adequate internal space would be provided to serve the proposed increased number of occupants. Furthermore, it is noted that following amendments to the application, the Council's HMO Licensing section withdrew their initial objection.

64. In addition, given the generous garden space to the rear of the property it is considered that sufficient external amenity space exists to serve the inhabitants and in accordance with Policy 16 of the CDP.
65. Taking the above into account, the proposals are considered to comply with Policy 29(e) of the CDP in that it provides a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policies 29(e) and 16 of the CDP and Paragraphs 130 and 174 of the NPPF.

Impact on the character and appearance of the area

66. Paragraph 124 of the NPPF advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
67. Policy S1 of the Durham City Neighbourhood Plan requires development proposals, where relevant and appropriate, to conserve, preserve and enhance 'Our Neighbourhood' by harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. Policy H3 requires development outside of Conservation Areas, where appropriate and relevant to the area to which the proposal relates, to sustain and make a positive contribution to the character and distinctiveness of the area; use high quality design which contributes to the quality and character of the area; and have scale, massing, form and layout and use materials and finishes appropriate to the context and setting of the area. Policy D4 requires extensions to existing housing to be of high-quality design relating to the character and appearance of the local area and aesthetic qualities.
68. Objections have been received in relation to the scale and design of the proposed extension that is considered would result in overdevelopment of the original dwelling, which it is noted has been extended previously. The character of the surrounding street scene comprises of mainly two storey dwellings; however, they vary in scale, designs and material finishes. There also appears to be a range of different extensions to properties in the vicinity of both two-storey and single-storey scale.
69. In terms of the proposed rear extension, following amendments, the scale has been reduced and the design altered to include a hipped roof, rather than a large flat roof. The extension would be sited to the rear of the property and finished in materials to match the existing. While it is acknowledged that the property has been extended previously and the footprint of the extension is fairly large, nevertheless, it is considered to have an acceptable relationship to the existing dwelling and wider plot. Although it will be slightly visible from neighbouring properties surrounding the site, it would not appear prominent in the street scene and would be considered a subordinate addition to the existing dwelling which would comply with the general design principles as outlined in the SPD guidance.
70. On that basis, it is considered that the development would sustain and conserve the character and distinctiveness of the surrounding area and would harmonise with its

varied context in terms of scale, layout, massing, height and materials. The design is considered to generally reflect that of the existing dwelling and would be finished in matching materials which would be appropriate in terms of the setting of the area.

71. Taking the above into account, the development would be considered to have an acceptable impact, sustaining and conserving the character and appearance of the dwelling and surrounding area and would accord with the aims of Part 12 of the NPPF, Policy 29 of the CDP, and Policies S1, H3 and D4 of the DCNP.

Parking and Highways Safety

72. Policy 16 of the CDP requires new HMOs to provide adequate cycle and car parking, having regard to the council's adopted Parking and Accessibility Supplementary Planning Document (DCC parking standards). Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with paragraph 110 of the NPPF which requires new development to provide safe and suitable access to the site. Policy T2 (Residential Car Parking) of the DCNP supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets. Policy T3 (Residential Storage for Cycles and Mobility Aids) of the DCNP requires residential development including change of use to seek to provide storage facilities for cycles which should meet DCC Parking standards.
73. A number of objections have been received which raise concerns in relation to the level of parking provision on site to serve the additional occupants and consider that the development could place additional pressure on the existing on-street parking provision and raise pedestrian safety concerns. The application site currently has provision for 3 no. in curtilage parking spaces and these are proposed to be retained.
74. The Highway Authority noted that while DCC parking standards do not contain a standard for a 10-bedroom property, they do contain a standard for 5-bed properties which is 2 no. off-street spaces. Therefore, it can be assumed that a 10-bed property would require 4 off-street spaces. They note that the application form states that 3 spaces are provided, and the applicant has since shown this on the Site Plan. Whilst this provides one space less than otherwise might be considered as required using the methodology above, it is noted that the property falls within a Resident's Permit Parking area, and so would be entitled to a permit to allow parking on street. Therefore, this would compensate for the 1 space shortage in curtilage provision. The increase in the number of bedrooms would not impact on, or increase, the number of permits the property is entitled to. Therefore, on balance, the Highway Authority considered that this proposal would not be detrimental to road safety and so is considered acceptable from a Highways perspective.
75. No details of cycle storage facilities have been provided. However, it is considered that there is adequate external space to accommodate such facilities. Whilst it would have been preferable to have precise details of the specification submitted for consideration of the application there is sufficient evidence to demonstrate suitable provision can be provided. It is therefore considered that a condition requiring the submission of precise details of such storage, to be agreed by the LPA and installed prior to first occupation, would be acceptable in this instance.
76. Concerns have also been raised with regards to occupants of the host dwelling parking to the rear of the site and potentially blocking access to garages on lane to rear of Fieldhouse Terrace. Others have also suggested that occupants have parked their vehicles in the rear garden. As already noted, the proposed level of parking provision

is considered to meet requirements of DCC parking standards and it is not considered that the number of additional residents would lead to significant additional impacts on parking that would sustain a refusal of the application. In addition, there is no suggestion within the application that the rear garden will be used for parking, nevertheless, there is no mechanism of control through the planning system to restrict residents parking in the rear garden.

77. On that basis, it is not considered that the development would result in any unacceptable harm regarding highway safety to a degree that would sustain refusal of the application and the development is therefore considered to accord with the aims of Part 9 of the NPPF, Policies 16 and 21 of the CDP and Policies T2 and T3 of the Neighbourhood Plan.

Trees

78. Policy 40 (Trees, Woodlands and Hedges) of the CDP does not permit development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts.
79. To the rear of the property within the garden there is a Birch tree protected by a TPO, established hedges, and other planting. Concerns have been received from neighbouring residents in relation to the impact of the development on the protected tree and also in relation to the position of the tree as indicated on the plans.
80. The Council's Tree section were consulted on the development and due to the presence of mature trees and hedges on site they requested additional information be submitted to support the application. During the course of the application a Tree Protection Plan (TPP) and Report have been submitted which shows the area around the Birch to be protected, including details of the root protection area (RPA). Concerns were raised that the position of the tree on the TPP was incorrect, and this has now been amended to reflect the correct position of the tree. The Tree officer has advised that based on the amended plans the incursion into the root protection area of the Birch is minimal and that section 7 & 7.4.2.3 '*New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA*' of British Standards 5837 2012 applies.
81. The TPP also indicates hedgerows to the side and rear boundary will all be protected throughout the construction phase.
82. As such, subject to a condition requiring the protection measures as shown on the TPP to be implemented prior to any construction works being carried out, the development is considered to accord with Policy 40 of the CDP.

CONCLUSION

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
2. In summary, following amendments to the scheme, the principle of development is considered to comply with Policy 16 of the CDP and the criteria therein. The extension

would be considered to sustain the character and appearance of the surrounding area, would not have any significant adverse impacts parking or highway safety and, subject to condition, the residential amenity of neighbouring occupants and existing trees would be suitably protected. The development would therefore accord with the aims of Parts 9, 12 and 15 of the National Planning Policy Framework, Policies 16, 21, 29, 31 and 40 of the County Durham Plan, and Policies S1, H3 D4, T2 and T3 of the Durham City Neighbourhood Plan.

3. Whilst the concerns raised by the City of Durham Parish Council, City of Durham Trust, Mary Kelly Foy MP and local residents are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application.
4. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 29, 31 and 40 of the County Durham Plan and Parts 8, 9, 12, and 15 of the National Planning Policy Framework.

3. Notwithstanding the approved floor plans as shown on Drawing No. 2176/10/E which illustrates that the dwelling will comprise a total of 9 bedspaces upon completion of the works hereby approved, no further works or internal room subdivisions shall take place that would result in the creation of additional bedspaces in excess of a total of 9.

Reason: To protect the residential amenity of future occupants of the development and surrounding neighbouring occupants in accordance with the aims of Policies 29 and 31 of the County Durham Plan.

4. 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.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained (Dwg no. 2176/12-B, received by the LPA 23.04.2023), are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall not be occupied until details of all cycle storage compliant with the Council's Parking and Accessibility Standards, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail and the approved provision shall be retained for the storage of cycles at all times for the duration of the use hereby approved.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

7. Prior to first occupation of the development hereby approved details of an appropriate boundary treatment, to be positioned on the boundary between the extension and rear boundary of no. 9 Fieldhouse Lane, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the boundary treatment shall be implemented in accordance with the approved details and maintained and retained in perpetuity.

Reason: To protect the amenity of neighbouring occupants in accordance with Policies 16 and 31 of the County Durham Plan and Part 15 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, supporting documents and subsequent information provided by the applicant.

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 (2023)

Durham City Neighbourhood Plan (2021)



<p>Planning Services</p>	<p>1 Larches Road Durham DH1 4NL</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.</p> <p>Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.</p> <p>Durham County Council Licence No. 100049055 2023.</p>	<p>Change of use from 6 bed C4 to 9 bed Sui Generis HMO with single storey rear extension (amended)</p>	
	<p>Date April 2023</p>	<p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/00456/FPA
FULL APPLICATION DESCRIPTION:	Change of use from dwelling (use class C3) to House in multiple occupation (HMO) (use class C4).
NAME OF APPLICANT:	Ms Anya Lautenbach
ADDRESS:	3 Wentworth Drive Durham DH1 3FD
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a detached dwelling located on Wentworth Drive within a predominantly residential area of the city at Mount Oswald. The wider area represents a modern, residential development of recent construction characterised by large, detached dwellings. The property to which this application relates benefits from an existing detached garage which sits to the side/rear of the site and is accessed by a long driveway which can accommodate two cars.

The Proposal:

2. Full planning permission is sought for the change of use of the property from a dwelling (falling within Class C3 of the Town and Country Planning Use Classes Order) into a 6 bed house in multiple occupation (small HMO – Use Class C4). Two additional bedrooms are proposed to the ground floor at the front of the property with a living/dining/kitchen area proposed to the rear.
3. The application has been called to be determined by the planning committee at the request of Durham City Parish Council who consider the proposal to be contrary to policies 16, 21, 29 and 31 of the County Durham Plan in that it would result in a detrimental impact to residential amenity, an imbalance to the local community and an adverse impact to highway safety such that the application should be determined by the committee.

PLANNING HISTORY

4. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

5. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
6. 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.
7. 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.
8. 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.
9. 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.
10. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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.

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

LOCAL PLAN POLICY:

County Durham Plan

13. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
14. 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.
15. 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.
16. 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.
17. 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
18. 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.

Neighbourhood Plan

19. The following policies of the Durham City Neighbourhood Plan (DCNP) are considered relevant to the determination of this application.
20. 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.
21. Policy H3 (Our Neighbourhood Outside the Conservation Areas) requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
22. 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. New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019).
23. 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, impact and design.
24. 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.
25. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Highway Authority raise no objection to the proposal.

27. City of Durham Parish Council object to the application for the following reasons:

- Increased Anti-social Behaviour
- Impact on residential amenity
- Further Imbalance in the community
- Proposal provides a driveway of insufficient width and as such parking arrangements are inadequate
- No electric charging points are provided
- Bin and Cycle Storage provision is inadequate
- Insufficient bedroom sizes

INTERNAL CONSULTEE RESPONSES:

28. HMO Licensing - Advice on legislation provided and confirmation that the property will be required to be licensed.

29. HMO Percentage – The officer initially advised that 9.3% of properties within a 100 metre radius of the site (including the host property) were Class N exempt based on data derived from Council Tax information captured in November 2022. Following an update to these figures, which reflected a more recent data join in April 2023, the number of properties registered as being Class N Exempt was subsequently confirmed as 7.4%.

30. Environmental Health (Noise) - No objection subject to submission and agreement of a management plan, as well as the installation of soundproofing measures for the ground floor bedrooms.

PUBLIC RESPONSES:

31. The application has been advertised by means of site notice and by notification letter sent to neighbouring residents.

32. To date, 47 letters of objection and 1 letter of representation have been received including comments from the City of Durham Trust and Mount Oswald's Residents Association which raise the following concerns:

- Highway Safety: concerns that insufficient parking is provided and road safety issues due to the property being on a bend in the road and increased vehicle movements.
- No designated area for cycle parking or bin storage.
- The proposal would be contrary to the Article 4 and Policy 16 of the CDP and goes against the aims of the Government's levelling up strategy.
- Wentworth drive already has over 19% of student properties which is above the Council's maximum allowance as stated in planning policy at 10%.
- The Council approved Mount Oswald to be a residential site not a Student site and the proposal will include the loss of an executive/family property.

- There is a shortfall in family homes in the City and people are eager to buy these.
- Adverse impact to residential amenity and social cohesion articulated as being that children don't want the additional noise from the proposed HMO, they just want more friends.
- Concern regarding the impact from increased noise and disturbance, especially in the evening which they consider to be contrary to policy 31 of the CDP.
- There is a brand new purpose built student accommodation 200 yards from this property therefore, no need for another student house or additional student accommodation in any guise given the university is forecasting a reduction in numbers.
- There will be no contribution to council tax if this property changes.
- Discrepancies in the report regarding the location of the property not being within a residential area
- Reason behind the change of use in that it is required to fund the care bill of the elderly occupant
- Concern over information given to purchasers when buying their existing property in that the dwellings would not be used as HMOs
- Licensing requirements are substandard including insufficient bedroom sizes and sanitary requirements.
- Questions raised over how many people the property can be let out too.
- The proposal is on a primary access route and as such is contrary to CDP policy 16.
- Insufficient consultation undertaken by the LPA.
- Increased Anti-Social Behaviour.
- Devaluation of properties
- Precedent will be set in the application is approved.
- It is not clear that the site would be management effectively.
- Latest Class N data figures should be used when determining the application

APPLICANT'S STATEMENT:

33. This application was never destined to be popular, however just as the local residents have a right to object it is the applicant's right to make the application. The reasons for the application are made clear in the application and it is not for the committee nor the local residents to pass comments on the financial state of the applicant nor the cost of long-term care.
34. The application was made following careful consideration of Policies 16, 29 and 31 of the Durham County Plan 2020.
35. On the issue of Policy 16 the application is within the policy by whatever measure is applied. It is an objective and quantitative policy. If the matter was judged by weight of numbers, then the outcome may have been different, but the local residents seemed confused and badly advised over this policy and whilst there were very many objections, most bore little substance relating to the policy which is in itself is very clear.
36. It is notable and regrettable that the company which sold the houses seemed to have somewhat over promised in their ability to protect the properties which had no protection at all until the Article 4 direction was introduced.
37. Policies 29 and 31 are very subjective but the officer's recommendation to recommend approval of the application was somewhat inevitable once the Issues

under policies 29 and 31 were clarified by statements from the highways departments and the Nuisance Action Team.

38. The case is almost identical to that of the application at 3 St Monica Grove which was as deeply unwelcome but recommended for approval and consented by committee. I am sure that there will be members of the committee who express disquiet in having to approve such an application but the fault, if any, does not lie with the applicant or the application. Under the current policies I see no alternative than to approve the application following the officer's advice.
39. The question remains as to whether as a species we desire balanced communities or that we wish to live with people like us. As it stands policy 16 is not welcome by residents of new housing estates, nor by residents trapped in streets that cannot reach the upper threshold required by Policy 16, due the measurement of houses being taken, not only from that street, but from streets nearby but which have totally different characteristics. Unless the policy is tightened at one end and loosened at the other and re-engineered in the middle you will have a stream of such unpopular applications, taking up valuable committee time which you will find impossible to refuse.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

40. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
41. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
42. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
43. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

44. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses falling within Class C4 (houses in multiple occupation HMOs). HMOs are small shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom.
45. The proposed floor plans submitted with the application indicate that the proposal is such that the development would normally benefit from the provisions contained

within the GPDO. However, an Article 4 Direction is in effect withdrawing permitted development rights in this regard and as such planning permission is required.

46. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) 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.

47. In addition, Policy 16 of the County Durham Plan (CDP) is also of relevance to this application which relates to student accommodation/HMO's. It states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to:

a Class C4 (House in Multiple Occupation), where planning permission is required;
or
a House in Multiple Occupation in a sui generis use (more than six people sharing) will not be permitted if:

a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus, the conversion of houses for multiple occupation/ student use.

48. In addition to the above applications will only be permitted where:

d. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;
f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

49. Various concerns have been raised from residents with respect to the principle of the development in that the percentage of properties within the area which are exempt from Council tax is already in excess of 10%, thereby the proposal would be contrary to Policy 16 and is also contrary to the aims of the Article 4 Direction and would result in an over proliferation of HMOs in the area, creating an unbalance in the community.

50. In addition, concern has been raised questioning the need for another student property in the locale given there is an existing purpose-built student accommodation nearby. They also note that the existing estate was intended for families and not students, and that there is already a shortfall in family homes and that a change of use to a student property reduces this even further. Objections also cite that Durham University is predicting a reduction in student numbers.
51. Concerns have also been raised regarding how the HMO data used in Policy 16 is collected and the methodology of the Policy itself. Specifically, concern centres on the use of Council Tax data alone which they consider is not a sufficiently accurate representation of all HMOs present within the area.
52. Whilst the concern in relation to the use of Council Tax Exemption Data is noted it is the case that all properties registered as Class N exempt within 100 metre radius of the property are captured within the data collection, and this information is gathered twice a year. Since 2020 this has been done on 1st November and 1st April. It is considered that this is a reasonable reflection of the academic year as it is likely to capture any late joiners and any subsequent variance during the academic year would also be accounted for.
53. The Council Tax information is economically sensitive personal data and it is therefore only made available to Planning Officers in a fully anonymised format. No information is provided about particular properties or occupiers, however, where relevant, the Officer is made aware of any pending or recently determined applications which are yet to be implemented which are located within the 100m radius. A percentage including these is also provided.
54. The policy and the methodology contained within it was considered sufficiently accurate and robust during examination in public of the CDP in 2020, and the policy adopted as presently exists within the adopted CDP. The policy has proven sufficiently robust in this regard and the Council has successfully defended several appeals against refusal of similar changes of use where these were in clear conflict with the policy. Comments have also been raised that the HMO percentage should be updated in April as per the guidance. A percentage based on the April figures has been obtained.
55. The most recent up to date Council Tax information which includes the date received in April 2023, identifies that within 100m radius of, and including 3 Wentworth Drive, 7.4% of properties are Class N exempt student properties as defined by Council Tax records. This is a reduction in the percentage from the November figures which confirmed 9.3% (i.e., from the figures provided one property which was originally exempt in the November figures is no longer registered as exempt in the April figures).
56. This concentration is presently below the 10% threshold stated in Policy 16 of the CDP and as such the development can be considered acceptable in principle subject to satisfactory consideration of the other requirements listed in the policy.
57. In addition, whilst comments have been received to say that the property is on a street which is considered a primary access route this is not considered to be the case. Policy 16 states that if the street is on a primary access route between Purpose Built Student Accommodation and the town centre or any university campus, then the proposal would not be supported. Given the position of the estate being located to the west of an existing PBSA, with the town centre and university

campus being located to the east of the PBSA. Given this it is not considered that the proposal would fail on this point.

58. It is noted that objections have been received citing that the application fails to demonstrate need for accommodation of this type in this location, and that there is a perceived surplus of student accommodation within the city as a whole. Whilst these points are noted there is recognition that market forces will, in the main, deliver the level of student accommodation required without resulting in a significant oversupply of accommodation, particularly in relation to HMOs which in most cases if not occupied as such, can be occupied again as family homes with limited internal reconfiguration.
59. Notwithstanding this, it nevertheless remains that whilst Part 2 of Policy 16 requires an application for PBSA to demonstrate need (along with several other requirements) this is not mirrored in Part 3 of the Policy which relates to applications for changes of use to HMO and is the part of the Policy which is relevant to the current application.
60. For that reason, it is considered that the proposal would accord with the requirements set out in Part 3 of Policy 16 of the CDP and that the lack of any specific information within the application with regards to need, is not sufficient to sustain refusal of the application in this instance.
61. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given that less than 10% of properties within 100m of the application property are Class N exempt and this would remain the case post development, should permission for the current change of use be granted the aims of Paragraph 62 would be considered to be met.
62. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community. Paragraph 63 of the NPPF considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of Policy 16 which includes a threshold of no more than 10% of properties being in HMO use and also reflected in the themes and aims of the Neighbourhood Plan.
63. As already noted above, in light of the low level of Class N exempt properties within 100m radius of the site at present, it is not considered that this proposal would be contrary to the NPPF or CDP in this regard.
64. In summary and whilst concerns are noted, the principle of the development could be supported in principle subject to proper consideration of the impact of the proposal upon residential amenity and highway safety.

Residential Amenity

65. Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, Policy 31 of the CDP states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.

66. The proposed development will also need to demonstrate that future occupiers have acceptable living conditions. Proposals which will have an unacceptable impact from overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
67. Concerns have been raised with regards to increased noise and disturbance, especially during evenings, and that student occupation stimulates the growth of existing children within the estate. In addition, concern has been raised regarding the state of other student properties in the area in that several of the student houses on the estate are poorly kept with bins left on the street for days at a time, bottles of alcohol stored in the windows and therefore due to this will this property be maintained appropriately,
68. The Environmental Health Officer (EHO) has provided comment on the application and considers that the information submitted demonstrates that the application complies with the thresholds stated within the TANS.
69. The property is a detached house. Although the use is not a change of use to a more sensitive receptor, the source of noise could be greater from the HMO than a single dwelling. This is due to the increase in the number of residents and activity to and from the property. The demographic that use this type of accommodation are often associated with greater use of the night-time economy and as such an increased level of night-time noise may occur.
70. However, to some extent this is anecdotal as the potential for impact is associated with the individuals residing in each individual case and as such might differ greatly depending on the circumstance. It should also be noted that bedrooms five and six will be on a ground floor and may lead to a greater impact for the individuals residing in those rooms from noise when the ground floor is in use.
71. In light of the above it is considered that a scheme of sound proofing shall be submitted to and agreed by the LPA secured by way of planning condition should planning permission be granted. Whilst inclusion of a management plan was suggested by the Council's Environmental Health Section, it is considered that given the small scale of the proposal to secure this via planning condition is not required to make the proposal acceptable in planning terms. However, an informative can be included should planning permission be granted which reminds the applicant of the importance to be a considerate development.
72. Similarly, disruption to neighbouring properties during the construction phase was also raised as a potential concern and it was suggested that a working hours condition was added. Notwithstanding this, it is noted that limited alterations are proposed to the application property and as such a condition restricting working hours during construction is not reasonable. However, a planning informative can be included regarding being a considerate developer which provides advise on working hours.
73. Policy 16 of the CDP includes a requirement to ensure that adequate bin storage is provided and that other shared facilities are also adequate. In this regard it is considered that there is adequate space to ensure sufficient bin storage can be delivered and this is identified to be within the existing garage. An area has also been identified within the existing garage for bike storage which is considered appropriate. It is considered that this is acceptable, and a condition will be added to

ensure that this area is made available and retained for this purpose at all times for the duration that the property is in use as a small HMO. Concern has been raised that the arrangements are unacceptable in that bins would be unable to pass cars parked on the driveway. Whilst the proposed arrangement is considered acceptable, it is nevertheless noted that the existing use could store bins within the existing garage without planning control and as such any refusal of the current planning application on such grounds could not be sustained.

74. In respect of the current state of student properties within the area, it is noted that there are separate powers available to the LPA to resolve instances where properties are considered to amount to untidy land. Should the application site appear as untidy land in the future then this could be addressed through enforcement action where appropriate. This however would relate to the external appearance of the property only and cannot control for example, alcohol bottles in windows. As such, it is not considered that this matter could sustain refusal of the current planning application as a consequence.
75. In relation to internal space, the Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, the Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
76. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. Consequently, the rigid application of these standards is not considered appropriate to the current application. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of Policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.
77. Concern has been raised that one of the bedrooms would not meet with current licensing standards as there would be inadequate cooking facilities, a lack of food storage facilities, lack of sanitary requirements and the size of one bedroom on the ground floor would be below the NDSS space standard. The agent has confirmed that it would meet with the licensing standard of 6.51m². Objectors however with the same house type dispute this and state the floor area would be deficient by around 0.60m². No objection has been raised from the Councils HMO licensing team and given the number of bedrooms proposed the property will be required to be licensed and as such the internal layout/room sizes as well as appropriate sanitation and cooking/storage facilities will be considered at that stage. In respect of planning, it is not felt that a reason for refusal could be sustained in this instance based on the above and therefore the proposal is considered acceptable in respect of Policy 29(e) of the CDP.
78. Similarly, concern has also been raised that given some of the bedrooms are doubles up to at least 9 people could reside at the site and therefore a suitable planning condition should be added. The application however is for a change of use to a C4 House in Multiple Occupation which restricts the number of people occupying the site to a maximum of 6 (considered as a small HMO). A further change of use application to a large HMO (sui generis use) would therefore be required for more

than 6 residents to reside at the site. It is therefore considered that a condition to restrict numbers would not be relevant in this instance.

79. In light of the above the proposal is considered to be acceptable in terms of residential amenity and the proposal would accord with the requirements of Policies 16, 29 and 31 of the County Durham Plan and Paragraph 130 of the NPPF in this regard.

Impact on streetscene

80. Policy 29 of the CDP relates to sustainable design and states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

81. The NPPF supports such an approach. Part 12 states that good design is a key aspect of sustainable development and that new development should contribute positively to making places better for people. The framework sets out the importance of securing high quality and inclusive design for development, including individual buildings, and goes on to state that in determining applications great weight should be given to outstanding and innovative designs that will help raise design standards more generally in the area; it is considered that the uplift in quality compared to the existing building and the architectural/aesthetic stimulation created by the design proposals would be such that the above principles would be adhered to.

82. There would be no changes to the external appearance of the property therefore, the proposal is considered acceptable in respect of Policy 29 of the CDP and Part 12 of the NPPF.

Parking, Access and Highway Safety

83. Policy 16 of the CDP states that new HMOs shall provide adequate parking and access. In addition, Policy 21 of the CDP requires all new development to provide safe and adequate access. This displays broad accord with paragraph 110 of the NPPF which requires new development to provide safe and suitable access to the site.

84. Policy T2 (Residential Car Parking) of the DCNP 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. In turn, Policy T3 (Residential Storage for Cycles and Mobility Aids) of the DCNP requires residential development including change of use to seek to provide storage facilities for cycles which should meet DCC standards.

85. Concerns have been raised regarding highway safety issues in that the property is located on a bend and insufficient parking would remain. It is also considered that parking issues already occur on the street and near misses have occurred. Objections have also been raised that no EV charging point has been provided.

86. The proposal has been assessed by highways officers and they raise no concern over road safety. The property has two designated off-street parking spaces and a

garage. The garage is to be utilised for cycle and bin storage however, the Council's Parking Standards do not include garages as in curtilage spaces and as such the loss of the garage would not amount to a conflict of policy. There are no parking standards for a 6-bed property within the Council's Parking Standards however, it is considered that the two off-street parking spaces for a 6-bed property would be acceptable and a highway refusal reason for lack of parking would be unable to be sustained in this instance.

87. The road outside the property is public highway and whilst concerns have been raised that inconsiderate parking is currently taking place, it is not considered that the change of use of this property would create any further significant issues in this respect. In addition, where vehicles presently obstruct the adopted footway, this cannot be afforded weight in the determination of this application and would be subject to separate legislative control via the Highways Act 1980.

88. Concern has been raised that an EV charging point is not being provided however this is only required for new residential developments and is therefore, not considered necessary in this instance.

89. Whilst the concerns highlighted above are noted, the development is nevertheless considered to provide safe access and adequate parking provision in accordance with the aims of Policies 16 and 21 of the CDP, Part 9 of the NPPF and policies T2 and T3 of the Durham City Neighbourhood Plan.

Other Issues

90. Concern was raised regarding the reason for the change of use in that it is being made to support the needs of the elderly resident who is in receipt of and requires long term residential care. The reason for the change of use of the property is not a material planning consideration.

91. Objections have been raised regarding the proposed change of use resulting in the loss of council tax from the Class N exemption from student occupiers, that house prices are rising, and young families are being pushed out of the area. Property values are not a material planning consideration in the determination of this application and the issue of social cohesion has been discussed elsewhere in this report. Devaluation is also not a material planning consideration.

92. Concerns are raised regarding discrepancies within the information submitted in that the proposal states it is not within a residential area however it is. The agent did however confirm that his comment in this respect relates to the site not being within a residential area that is a primary access route, however the application has been assessed taking all relevant issues into account and this element has been discussed above.

93. It is understood from objections received that the developers had given assurances to people when buying properties that houses on the estate would not be used as HMOs. There is no restriction on the planning approval for the estate development which prevents the properties being used as HMOs. In addition, the Article 4 Direction has only been in place since 14 January 2022. Prior to this, no change of use would have been required to convert a property to a C4 use class and the Council had no control until the Article 4 Direction was implemented.

94. Concern has been raised regarding lack of consultation. Whilst concerns are noted, the Council published the application by means of a site notice and letters were sent to adjoining occupiers which exceeds the minimum statutory requirements as

contained in the Town and Country (Development Management Procedure) Order 2015.

Public Sector Equality Duty

95. 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.

96. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

97. The proposed change of use is considered acceptable in principle and would accord with the requirements of Policy 16 of the CDP. Specifically, it would not result in more than 10% of the properties within 100 metres of the site being Class N exempt from Council Tax as being wholly occupied by students.

98. In all other respects, the development could be accommodated without significant detrimental impact on the amenities of surrounding residents in accordance with the aims of policy 16 to provide sustainable, inclusive and mixed communities given there is no over proliferation of HMOs within the locality and the development would not have any unacceptable impact in terms of highway safety.

99. The development is therefore considered to accord with the requirements of Policies 16, 21, 29 and 31 of the CDP, Parts 2, 4, 8, 9, 12 and 15 of the NPPF as well as Policies S1, H3, D4, T1, T2 and T3 of the Durham City Neighbourhood Plan and is therefore, recommended for approval.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 6, 16, 29 and 31 of the County Durham Plan and Parts 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Before any part of the development hereby approved is occupied, a scheme of sound proofing measures shall be submitted to, approved in writing by the local planning authority, implemented and shall be permanently retained thereafter.

The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise.

The aim of the insulation should be to ensure the requirements of BS 8233: 2014 in relation to sleeping areas are met within the rooms. An insulation scheme designed to the requirements of Document E of the Building Regulations should prove sufficient.

Reason: In the interest of residential amenity in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. The cycle and bin storage arrangement as proposed within the existing detached garage shall be made available prior to the use hereby approved being brought into use and shall remain available for as long as the property is in use as a small HMO.

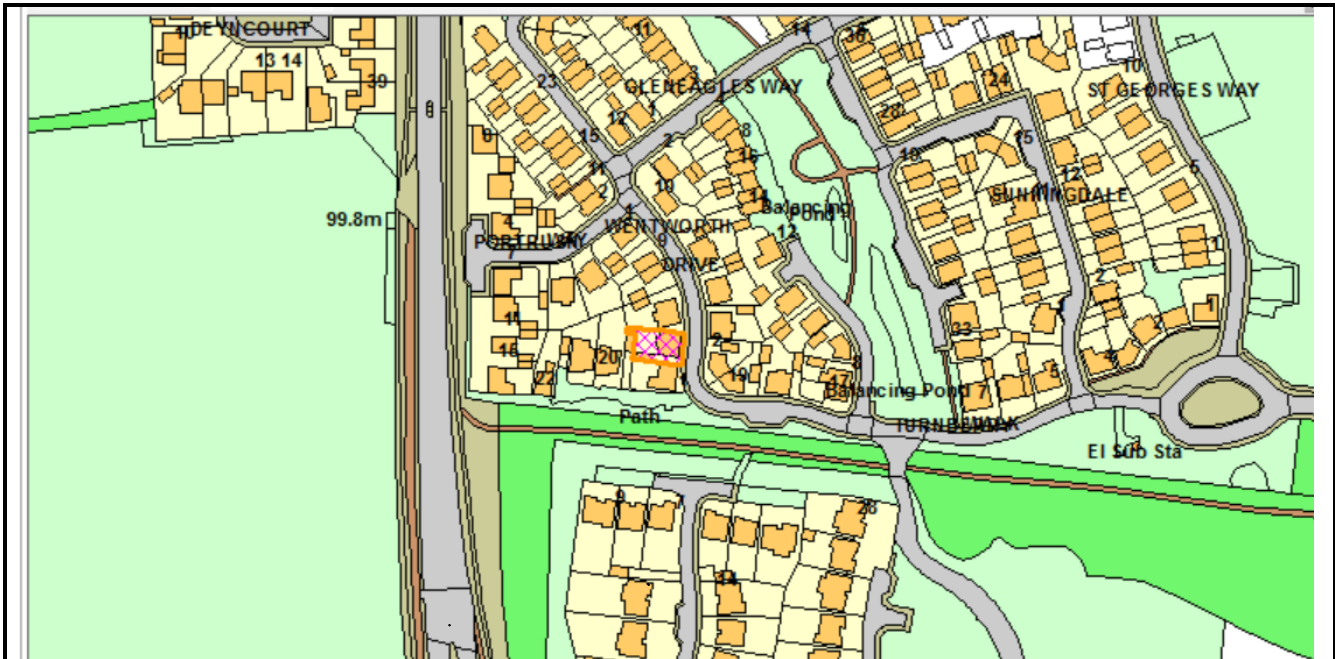
Reason: In the interests of visual amenity of the area and to encourage sustainable modes of transport in accordance with Policies 21, 29 and 31 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

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
National Planning Practice Guidance Notes
County Durham Plan
Durham City Neighbourhood Plan
Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Change of use from dwelling (use class C3) to House in multiple occupation (HMO) (use class C4).</p> <p>Application Reference: DM/23/00456/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: May 2023</p>	<p>Scale NTS</p>

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