



Area Planning Committee (Central and East)

Date Tuesday 14 November 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 25 September 2023 and Meeting held 10 October 2023 (Pages 3 - 40)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/23/01107/FPA - Wheatley Service Station, Durham Road, Wheatley Hill, Durham, DH6 3LJ (Pages 41 - 66)
Demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
6 November 2023

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

Councillor D Freeman (Chair)
Councillor D Oliver (Vice-Chair)

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

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Monday 25 September 2023** at **1.30 pm**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), L Brown, J Elmer, L A Holmes, D McKenna, R Manchester and K Robson

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, I Cochrane, S Deinali, C Kay, K Shaw and A Surtees.

2 Substitute Members

There were no Substitute Members.

3 Declarations of Interest

Councillor D McKenna declared an interest in Item 4a, noting he was Local Member and explained he would speak in objection to the application and leave the meeting during the consideration thereof.

Councillor L Brown, in relation to Item 4b, 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 applications 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.

The Chair, Councillor D Freeman, in relation to Item 4b, 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 applications 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.

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

a DM/22/00039/FPA - Land to the east of The Meadows, Seaton, SR7 0QB

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was a full planning application for the development of 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure and was recommended for refusal, for the reasons set out in the report.

The Senior Planning Officer asked Members to note some updates following the publication of the agenda pack. He explained that an updated air quality report had been supplied and reviewed by the Council's Environmental Health Team and consequently they had withdrawn their objection. He noted that therefore refusal reason 4 would be removed. It was noted that the applicant had submitted over the weekend, prior to Committee, an indicative site plan which included some details relating to parking. The Senior Planning Officer explained that Officers had not had sufficient time to consider the details submitted, however, he noted that even if the details were satisfactory and refusal reason 3 could be removed, the recommendation would still be for refusal, with reasons 1 and 2 being the most fundamental. He asked that, if Members were minded to refuse the application, that Officers be given delegated authority in terms of the inclusion of refusal reason 3, after considering the indicative site plan supplied by the applicant. The Senior Planning Officer noted that paragraph 158 referred to Landscape Plan (g), he noted that the latest revision was (i).

The Chair thanked the Senior Planning Officer and asked the Chair of Seaton with Slingley Parish Council, Parish Councillor Alyson Slater to speak on behalf of the Parish Council in objection to the application. Parish Councillor A Slater explained that she was Chair of Seaton with Slingley Parish Council and resident of the area for 70 years.

She noted that the Parish Council would wish for the application to be refused and added that, as the local Council with the 'feet on the ground', they understood the residents feeling very well. She explained that the land in question was a very attractive piece of land, with a great deal of wildlife in the area, including deer, as well as other uses including agriculture.

Parish Councillor A Slater noted that the proposed access via The Meadows was too narrow and that the B1404 leading to the proposed access was also very narrow. She added that residents were very concerned as regards the speed of the traffic along that road, as well as traffic often being backed up which would be exacerbated by the proposals.

Parish Councillor A Slater explained that the area was rural and unique and noted that the property designs for the proposed development were 'bog standard' and did not fit in with existing dwellings in the area. She noted that Seaham already had a number of developments that were ongoing.

Parish Councillor A Slater added that bus services in the area were unreliable, with no service on Sundays and only operating 8.00 until 18:00 the rest of the week. In relation to the local sewers, she explained the system was overloaded and noted two holding systems that were in place, adding that adding more would be inappropriate and could compromise the system.

Parish Councillor A Slater explained that there was no desire for the proposed residential development and noted that there were many other more suitable sites for such volume builds. She added that the proposals would represent a blight on the small community and noted the spirit of the community should be protected. She concluded by noting that the Parish Council would ask that the application be refused.

The Chair thanked Parish Councillor A Slater and asked Councillor D McKenna, Local Member, to speak in respect of the application.

Councillor D McKenna thanked the Chair and Committee and acknowledged the significant amount of work by residents and the Parish Council to protect the fabric of their village, clearly in opposition to the proposals. He explained that Avant appeared to be looking for maximum profit, irrespective of the damage it would cause. He noted that while the number of properties proposed had reduced from 106 to 75, residents were still opposed the plans in terms of the lack of requisite infrastructure, poor transport links, overdevelopment of the site and the proposed access being too narrow. He added that, if approved, road safety would be compromised. He concluded by explaining that the development was unwanted, unsuitable and unsafe and therefore he would ask that the Committee refuse the application.

Councillor D McKenna left the meeting at 1.53pm

The Chair asked Helen Golightly, Local Resident, to speak in relation to the application.

H Golightly explained that she had been a local resident for 30 years and had raised two children while living in the village. She emphasised that it was a rural village, separated from Seaham by the A19 and surrounded on all sides by countryside and noted that residents welcomed the recommendation for refusal from Officers. She noted that residents objected to the application for several reasons, noting they agreed that the application was contrary to County Durham Plan (CDP) Policies 6 and 10. She added that the settlement strategy focussed on new development and wider access to services and noted this was very limited in Seaton, with only two public houses and a community centre. H Golightly explained that therefore the application was contrary to the CDP as it did not meet the needs of those potential additional residents and would make them primarily reliant upon a car, contrary to CDP Policy 29. She added she felt the application was significant development, disproportionate in size, and therefore the unsustainable location was also in conflict with National Planning Policy Framework (NPPF), Paragraph 105 and the Spatial Strategy of the Council. She noted that the proposed house types did not reflect the style of the properties at The Meadows and were also not well related, contrary to Policy 6. H Golightly noted that the site was an important landscape buffer with the A19, and the land also represented a gap between the village and Seaham nearby. She explained that the Hawthorn to Ryhope public right of way was very visible from the site and the development of the site would impact on the character and setting and openness, contrary to CDP Policies 6(c), 10(l) and (o) and 39, as stated in the Officer's report.

H Golightly noted that there were also concerns as regards transport safety, as noted by the Highways Section, with the 4.5-metre-wide access through The Meadows into the site being less than the 4.8 metres required. She added the footway was also insufficient and only on one side. She explained that there was a poor proposed layout, and there were issues with drivers and heightened risks, contrary to Policies 6(f), 10(q) and 21 of the CDP and Section 1 of the NPPF. She noted that the land was unallocated land within the development plan and the Council was able to provide sufficient housing for five years.

She noted that residents would urge that Member refuse the application, and she thanked the Officers for their comments as regards the additional information provided in terms of the proposed layout, and in noting the main refusal reasons being those set out at reasons 1 and 2 within the report.

The Chair thanked H Golightly and asked Richard Newsome, Agent for the applicant, to speak in support of the application.

R Newsome noted that Avant North East welcomed the update from Officers withdrawing refusal recommendation 4, noting that the applicant had put right the issues that had been raised. He noted disappointment in that the verbal update was that recommendation was still for refusal, and noted that given the limited time available, he would ask Members to look at the updated position reasonably. He explained that in terms of the scale, the original proposals were for 106 properties, and this had been reduced by 30 percent to 75 properties. He added that there was open space to the north and east of around 1.58 hectares, with a play area and planting, and area equivalent to 11.5 football pitches. R Newsome explained that the proposals represented a 60.9 percent biodiversity net gain, much greater than the 10 percent required under the Environment Act or the CDP.

He noted that Avant had been very positive in terms listening to feedback from Council Officers when meeting as regards the development and changes to the design and character appraisals had been produced, including the submitted computer generated images. He noted Avant had asked for a further design review meeting, however, this had been declined. He added that the access proposed was in fact suitable, and similar to many other applications that had been before Committee before. He added that while it was a decent walking distance away from some facilities, around 550 metres away at nearby Seaham, a reasonable distance with a safe and appropriate route. He noted that the Highways Section had requested an internal road layout 25 August, and this had provided limited time for a response to be produced, with an indicative plan having been produced and submitted for consideration. He asked, therefore, that the application be deferred, to allow the Developer, Avant, to come back with an update to address the points raised.

The Chair thanked R Newsome and asked the Senior Planning Officer to address the points raised by the Speakers.

The Senior Planning Officer noted that whilst the 30 percent reduction in properties, from 106 to 75, referred to by R Newsome was correct, prior to the application being submitted officers had provided advice to a pre-application enquiry submitted in November 2020 for 78 properties.

He noted that Officers had explained to the applicant that 78 at that time represented a development that was too dense and Officers had noted that a significant reduction, from 78, was required as it was considered that 78 dwellings would 'not be in keeping with adjacent development or in keeping with edge of settlement development'.

The Senior Planning Officer noted that 75 properties represented only 3 properties fewer than 78, not a 30 percent reduction. He noted the applicant had carried out a character appraisal and a design and access statement. He added that the proposal was an edge of settlement development, not an infill development, and that the density proposed far exceeded the density of the adjoining The Meadows, contrary to the submitted Design and Access Statement which acknowledged that housing density typically disperses from the centre and as it moves outwards. Therefore, Officers could not agree with the interpretation within the Applicant's submissions.

In respect of an enhanced design review, the Senior Planning Officer noted that this was not a compulsory review, similar to pre-planning advice, and explained there would be a fee for such a review. He noted that from the dialogue in terms of the impact of the proposed scheme when looking at CDP Policy 29 and looking at the 'Building for Life' Supplementary Planning Document, there were a number of 'red' scores, in part indicating that the proposals were too dense. He added that advice at the pre-application stage had been that the proposals had been too dense, with the submitted scheme showing that the applicant had not been willing to reduce the density sufficiently. The Senior Planning Officer noted that accordingly, the applicant was advised that there was little value in going through the enhanced design review process as it would have simply been taking a fee from the applicant to reiterate that the scheme was too dense, as stated at the pre-application stage.

In terms of sustainability and walking distances, the vast majority of services were greater than 400 metres away, with national guidance stating that when greater than 400 metres, people were not likely to walk, and would use other modes of transport. He added that it was desirable to have 'straight' walking routes, with those that were winding being less desirable, putting people off from walking. The Senior Planning Officer noted that the 'Planning for Walking 2015' stating that 'pedestrians prefer to see where they are heading'. He noted that therefore with no direct route to the bus stop, potential residents would likely rely upon use of a private car. In terms of the services at Seaham, the Senior Planning Officer noted they were at what was considered to be at or in excess of an upper threshold of what could be considered a reasonable distance to walk for access to services.

The Senior Planning Officer explained that residents had an independent consultant carry out a speed survey, with the result being the 85th percentile travelling at speeds greater than the 30mph limit. He added there was no crossing in place, and no footpath on the eastern side of the highway for the first 45 metres going into The Meadows.

The Senior Planning Officer noted that the applicant's Agent had asked Members to defer the application, however, Officers would reiterate that they were confident in recommending refusal based on Reasons 1 and 2 as set out in the report and that Officers and the applicant disagree in terms of the density of development suitable for the site. He added the application, in this form, had been submitted in January 2022 and whether the Highway issues were or were not insurmountable, it was still felt that the application was contrary to Policy such Officers would recommend refusal, based upon Reasons 1 and 2 set out in the report.

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

Councillor L Brown noted she was disappointed as regards late information being submitted, this not helping Officers or Members. She asked if the ten 'red' on the 'Building for Life' SPD was still the current score. The Senior Planning Officer noted that there were scores of 10 red, 1 amber and 1 green, with the amber being a drainage issue that had moved from red to amber. Councillor L Brown noted that one or more red would be sufficient for refusal unless there were other significant issues to mitigate, however, she would hear what other Committee Members had to say on the application before she made a decision.

Councillor R Manchester asked what level of density would be deemed to be acceptable for the proposed site. The Senior Planning Officer noted that it was difficult to give an exact number as each proposal was different, however, 75 was not close and there would need to be a lot less properties and a different layout. He reiterated that the initial number had been 78 properties and Officers had explained that was too many, with the reduction of 3 to 75 not being sufficient. Councillor R Manchester noted that he had taken from the Officer's response that it was not an application that could be made acceptable by 'tinkering around at the edges'. The Senior Planning Officer noted the refusal proposed by Officers was still the position, even subsequent to the deferral proposal from the Applicant.

Councillor J Elmer noted he concurred with the assessment of the area in terms of its character, being a small, linear, rural village. He noted that The Meadows itself was the 'new estate' and had already impacted upon the village. He noted that the proposed very large addition did not appear to relate well to the rest of the village.

He added that there would be impact in terms of loss of agricultural land and on the countryside. Councillor J Elmer noted the 'marginal pass' in terms of Highways and the 4.5 metre width and asked for some clarity in terms of policy. He noted his concerns in terms of creating car dependency as the bus services were not regular and with limited services within Seaton, residents must have a car.

Councillor J Elmer explained he would be happy to propose refusal of the application, on Refusal Reasons 1 and 2, with Officers having delegated authority to include Reason 3, if having considered the late submission Officers still felt it would apply.

The Senior Planning Officer noted that the access available via The Meadows would be around 4.7 to 4.8 metres wide, and therefore did not meet the current 4.8 metre requirements, with new requirements that were not yet in effect to be 5.5 metres.

Councillor K Robson noted he agreed with the points raised by Councillor J Elmer and added that on the site visit it was clear that there would be significant disruption in terms of any development on that site. The Senior Planning Officer agreed, however, noted that should any development be approved, the Committee could impose a Construction Management Plan (CMP) by condition, to control construction traffic and safety. He noted that element would not be grounds for refusal in itself.

Councillor L Brown noted she had not attended the site visit, however, she agreed with the comments from Councillor J Elmer and seconded that the application be refused on Refusal Reasons 1 and 2, with delegated authority as regards the inclusion of Refusal Reason 3.

Councillor D Oliver noted that he had attended the site visit and he noted that he was more comfortable with the setting of the application than perhaps other Committee Members. However, his concern was the proposed access. He noted discussions when on the site visit in terms of why other access options were not possible and thought it may be useful if Officers explained that for the benefit of the Committee. He also noted he would be interested on any comments from the applicant in terms of mitigating issues raised, in terms of density and access. The Senior Planning Officer noted that the vehicular access was, as proposed, via The Meadows and noted that initially there would have been an additional pedestrian access, however, there had been concerns raised by Durham Constabulary as regards to the proposed footpath not being overlooked. He added that ultimately Officers did not support the application and the only way to mitigate the issues raised would be to significantly reduce the density of housing.

The Chair noted that there had been a motion for refusal by Councillor J Elmer, seconded by Councillor L Brown. He added he did not feel the need to hear further from the applicant in terms of density, they had set out their case in their statement and could come back with a new application should they wish. Councillor D Oliver noted he felt at the moment that, given the scale and concerns in relation to the access, the application was not right for the site.

Upon a vote being taken, it was:

RESOLVED

That the application be **REFUSED**, as per Refusal Reasons 1 and 2 as set out in the recommendation within the report, with delegated authority in relation to the inclusion of Refusal Reason 3 as appropriate.

Councillor D McKenna entered the meeting at 2.28pm

b DM/23/00241/FPA - 24 Nevilledale Terrace, Durham, DH1 4QG

The Principal 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 change of use from 6 bed dwellinghouse to 2no. 2 bed flats and was recommended for approval, subject to the conditions as set out within the report.

The Chair thanked the Principal 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 explained that, once again, Members were facing the dilemma surrounding student accommodation. He reminded Members that, two weeks ago, they had been considering applications from outside the city centre. He noted that at Committee today, Members were looking at the very heart of our city, which was already saturated with Houses in Multiple Occupation (HMOs). He added that the city certainly needed no more HMOs, and the Committee therefore must decide if yet further saturation was merited, with the Parish Council believing that it was not.

He noted that the particular property in the application had been a problem for some considerable time, as the residents would explain during their opportunity to address the Committee.

He explained that various attempts had been made by the applicant to convert the family home into an HMO. He noted that those attempts had been refused and, on two occasions, the applicant had taken the matter to Appeal, losing on both occasions and for good reason.

Parish Councillor G Holland noted that yet, throughout that period, the applicant had continued to rent the property.

He added that indeed, not so long ago, it was found that 24 Nevilledale Terrace had become what was described as “a large cannabis farm” run by a group of Albanian tenants, much to the excitement of the Police and the despair of the local residents. He suggested that the incident may offer an insight into the applicant’s rather relaxed management style, which, as Members would recall, was also seen recently at 1 Larches Road and 41 Fieldhouse Lane.

Parish Councillor G Holland noted the Officer’s report compiled evidence in support of the applicant, however, set against that were the real experiences of the residents living there, the real impact on their lives in an area crowded with HMOs and with the general conduct of such a large gathering of students in their midst. He noted that everyone agreed that there was no room for any more HMOs at this locality, which explains why HMOs were now appearing en masse in the areas bordering the city centre.

Parish Councillor G Holland asked, faced with that situation, how an applicant could create yet another student house on Nevilledale Terrace? He noted that one way would be to split your property into C3 flats and bypass the C4 planning barrier. He added that the pretence offered was that those flats were desirable and would somehow be occupied by serious students who had taken a vow of silence, or for the flats to even be occupied by upwardly mobile young professionals leading a monastic life. Parish Councillor G Holland noted that idyll would not be the outcome, and everyone knows it. He added that furthermore, residents believed, based on experience, that the property, once out of sight and with minor internal modifications, could simply become another HMO.

Parish Councillor G Holland explained that the reasons to refuse the application were embedded a group of environmental policies stretching from the NPPF to the Durham City Neighbourhood Plan (DCNP). He noted he had discussed those in much greater detail two weeks ago and would not repeat them, however, the central and consistent theme of all of those important policies was that development must “*add to the overall quality of the area*”. He added that experience had shown that these HMOs and their artificial affiliations do the opposite. He noted that the reasons for refusal were also embedded in Policy 16.2, Paragraphs (a), (b), (c), (e), and (g), all outlined within the Officer’s report.

Parish Councillor G Holland noted that, as Durham University’s own figures already showed, the need for additional student accommodation in Durham City, as claimed by the applicant, did not exist and the application therefore failed to satisfy Policy 16.2 Paragraph (a).

He added that concerning Paragraph (b), the applicant's planning statement simply disregarded that requirement by stating "*The proposals relate to the provision of 2 No. flats and, as such, it is not considered that formal consultation with the relevant education provider is proportionate in this instance.*"

Parish Councillor G Holland noted that, when correctly read, Policy 16.2(b) was blind to the size of the scheme in question, and it was clear that consultation was required, and it was not up to the applicant to disregard that requirement within the Policy. He noted there has been no formal consultation, as required, and the application therefore failed Policy 16.2 Paragraph (b).

In relation to Paragraph (c), although the small-scale nature of the proposal would not give rise to any measurable negative impacts on the wider commercial position of the city, Parish Councillor G Holland explained that planning permission at Committee today would set a dangerous precedent and encourage similar applications elsewhere. He added that indeed there was already another application in the pipeline nearby. He noted that the applicant had also failed to demonstrate compliance with Paragraphs (e) and (g) of Policy 16.2 and DCNP Policy S1(m). Parish Councillor G Holland explained that both policies had already been seen as relevant by Appeal Inspectors in terms of amenity impacts, and, as one Inspector put it, detrimental to the "*quality of life and community cohesion for surrounding residents in contravention of Policy 16, 29 and 31 of the County Durham Plan and paragraphs 92 and 130 of the National Planning Policy Framework.*"

Parish Councillor G Holland concluded by noting the Parish Council believed that the application would set a dangerous precedent and failed to address any of the key points relating to access and amenity, and it was in clear conflict with aspects of CDP Policies 16, 29 and 31 and DCNP Policies S1 and H3 and that the latest attempt to turn this particular C3 dwellinghouse into a pseudo-C4 dwelling should again be refused.

The Chair thanked Parish Councillor G Holland and asked Joan Adams, local resident, to speak in respect of the application.

J Adams thanked the Chair and explained she was a resident of Nevilledale Terrace. She emphasised that the proposals undermined the stated aim of the city's housing policy, which was to create sustainable and inclusive communities.

She added that the applicant was an investment landlord with a track record of poor property management and had provided no credible, independent evidence in support of the development.

J Adams explained she felt the application was a cynical and artificial device to get around existing policies set up to promote and protect mixed communities. She noted that Nevilledale had 36 other houses, of which only three house young families, with 15 being student lets. She added that meant 41 percent were short-term, transient tenants who made little contribution to the social mix and harmony of the area. She noted that residents already had the usual problems of noise, parking, rubbish and vermin associated with such short-term tenants. She reiterated that there was a need for family houses to be retained, for people who wanted to commit to the community, to sustain it and grow it.

J Adams noted that the owner of 24 Nevilledale had already demonstrated a cavalier attitude to being a landlord and in following essential planning procedures. She added that the house had been converted, without permission, from a four-bed family home to a six-bed rental and had consistently housed an unauthorised number of tenants. She suggested that the most significant demonstration of the arm's-length management style by the owner was that the house had been used as a cannabis farm. She noted that further supported residents' doubts about the effectiveness of the management of the property.

J Adams concluded by noting that the proposed flats would bring no benefit to Nevilledale Terrace, with no one having spoken in favour of the conversion, the house was still a potential family home and residents urged this Committee to protect it for families of the future.

The Chair thanked J Adams and asked R Cornwell to speak in respect of the application.

R Cornwell noted he was representing the City of Durham Trust and the local residents' association and that the comments from Parish Councillor G Holland and J Adams were fully endorsed by other residents and the City of Durham Trust.

He explained that a letter from the Trust challenged the Committee report and drew attention to essential documents missing from the Planning Portal, sent last Thursday, only uploaded to the Portal the morning of Committee. He added that after that letter was submitted, the missing documents were uploaded by substituting a 17-page document for a five page one. He noted that the publication date on the Portal was not changed, nor were consultees given the courtesy of a message to say that it had been done, so consultees were unaware. He added it could only be called underhand at best. R Cornwell noted he had a quick look at the new evidence, and he saw that all the testimonies had been selected by the applicant from amongst her own tenants past and present.

He noted that this was not clear from Paragraph 56 of the report before Members and demonstrates why objectors were right to insist on seeing that evidence.

R Cornwell referred to the question of supposed need for the development and noted that residents and the Trust agreed with the conclusion in Paragraph 46 of the report which stated that the application should be assessed against CDP Policy 16.2, as student accommodation. He added that Paragraph 53 gave figures provided by Durham University, however, they relate to the previous academic year. He noted that at a meeting of Durham University / Residents Forum, held last week, the senior University representative present told residents that the number of students in the coming academic year had now become clear and would be around 800 fewer than in the previous year. He added that furthermore, a number of recent planning permissions, approved by the Committee, had increased the future supply of student accommodation, including at William Robson House and the former Apollo Bingo site. He added those were in addition to the approval by the County Planning Committee, at its meeting held 2 May 2023, for an 850-bed scheme at Mount Oswald, 1,207 beds in total.

R Cornwell noted that the reduction in student numbers this year, and the increase in future supply provided sufficient headroom that the applicant noted was desirable. He noted that what the applicant called 'headroom' were in fact properties standing empty that could be used as family homes. He reiterated that the conclusion within Paragraph 58 of the Officer's report relied too much on statements made by the applicant, without taking an independent view. He added that the need for more student accommodation had not been established, and that was a requirement of CDP Policy 16.2. he concluded by noting that, along with the other points made by the previous speakers, the point he had raised made an irrefutable case for Members to refuse the application.

The Chair thanked R Cornwell and asked Officers to comment on the points raised by the speakers, including in terms of the information placed on the Planning Portal.

The Principal Planning Officer noted the concerns raised with regards missing documents, however, clarified that when the information had been submitted, it contained personal information, which required that support officers undertake a lot of work to ensure that all personal information was redacted. The full document contained 17 pages, but the last 12 contained personal information, whilst the first five were suitable for publishing.

Once the personal information within the document had been redacted, the full 17 pages were made public on the Public Access system. She further clarified that the information had been available over the weekend in advance of the Planning Committee, and the Parish Council would have had access to the document for consideration prior to Committee. She noted that the applicant had been providing evidence to back up her case in terms of the need for this type of accommodation. She added that Officers had assessed the evidence and felt that the application met the requirements of Policy 16 both qualitatively and quantitatively. She noted the proposals were not necessarily for students, and reiterated Officers felt the submissions addressed the requirements of Policy 16.

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

Councillor L Brown noted she had thought she might propose deferral on material grounds, in reference to Paragraph 50, 51 of the report, however, there had been updates and explanation provided. She noted she felt it should have been highlighted as regards the changes on the Portal. Councillor L Brown noted that the application at 4 North End had been similar, for two two-bed flats, and had been refused on delegated authority on Policy 16. She noted that therefore there should be consistency and felt the application before Committee should have been recommended for refusal. She asked as regards the proposed bin storage, was it expected that residents would walk all the way around the street to get bins to the other side, or rather would they simply be placed to the front of number 24. She asked as it was new development, would there be parking permits issued, understanding that for development after 2000, permits were not issued.

The Principal Planning Officer explained that, in reference to 4 North End, each application was looked at on its own merits, and that case was different to that before Members at Committee it that in that case, the applicant had failed to set out the case whereas in this instance Officer felt the applicant had. In terms of bins, it was accepted that there were issues, however, they were not felt to be insurmountable, and there was a condition as regards full details relating to waste, providing an option of enforcement in future should conditions not be complied with. In terms of parking permits, she would defer to Highways colleagues if required, however, it was her understanding that the applicant was providing one space within the property, via the garage, and another being on-street through an existing permit. She reiterated that refusal on highways grounds would not be put forward given the highly sustainable location.

Councillor J Elmer noted he was quite frustrated, with the application appearing to be an attempt by an experienced applicant to circumvent Policy 16, and to have an HMO that had been refused, approved by other means. He added he felt that this was a weakness in policy and asked questions for the future, however, it would not be to look to Policy 16 to refuse the application. He added that he felt that Members may feel that the application was contrary to Policy 31 in terms of amenity and pollution, especially following decisions at the previous Committee. He noted those refusals had not sought to use Policy 16, rather had focused on other policies in terms of the impact on amenity, noise and the number of issues raised by large numbers of students in a high-density area, noise, disturbance, litter, those being real problems for residents. He noted that view was absolutely consistent with those recent decisions, and therefore he would propose refusal of the application, it being contrary to Policy 31, with the impact of the large density of student lets on amenity and pollution, as well as the need to maintain balance in terms of providing family homes.

Councillor D Oliver noted he acknowledged the points made by the speakers and Members, however, he had some anxiety in terms of overturning the Officer's recommendation, given the limited explanation of how it was felt to be contrary to policy. The Chair noted he too felt that the applicant was looking to circumvent policy, however, he too was finding it difficult to see grounds sufficient to sustain refusal, adding in terms of impact upon amenity, the proposals effectively reduced the number of residents from six to four. Councillor J Elmer noted that would make the property currently an unauthorised HMO. The Principal Planning Officer noted that if there was an unauthorised use as an HMO, that was an issue Planning Officers could look at in terms of enforcement action. She noted the Chair was correct in that a reduction from six to four residents would not represent the same level of concern or impact on residential amenity. Councillor L Brown noted that until Enforcement found out as regards the actual situation, the application represented an additional four adults.

Councillor LA Holmes noted he felt similar to Councillor D Oliver, in that he was struggling to find material planning grounds on which to refuse the application, there being a need for such accommodation for young professionals, he therefore moved approval, as per the Officer's recommendation.

Councillor L Brown noted that statements from Estate Agents were that students wanted these properties, she added she would second Councillor J Elmer's proposal for refusal, with the application being contrary to Policy 31.

The Chair noted that while the applicant was a well-known student landlord, one could not say who would ultimately rent and live in the property.

The Principal Planning Officer checked whether Councillors J Elmer and L Brown wished to refuse the application on the basis of whether they felt a sufficient case for need was demonstrated. They said they did not wish to refuse on these grounds. They were further queried whether the application be refused due to being contrary to Policy 31 in terms of the impact upon residential amenity. They acknowledged that they agreed with this. Councillor D Oliver noted he would second the proposal for approval made by Councillor LA Holmes.

It was noted the motion for refusal had been put and seconded first, therefore that motion would be put first.

Upon a vote being taken, it was:

RESOLVED

That the application be **REFUSED** as the change of use of the property to 2no. 2bed flats would be attractive for student occupation and would therefore have an adverse impact upon the amenity of existing residents through increased noise, disturbance, anti-social behaviour and pollution, due to the property being located in an area with a high concentration of student occupied HMOs, contrary to the aims of Policy 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 October 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, J Cosslett, S Deinali, J Elmer, L Fenwick (substitute for D McKenna), L A Holmes, C Kay, R Manchester and K Robson

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, I Cochrane, D McKenna, I Roberts, K Shaw and A Surtees.

2 Substitute Members

Councillor L Fenwick substituted for Councillor D McKenna.

3 Minutes

The minutes of the meeting held on 12 September 2023 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

The Chair, Councillor D Freeman, in relation to Item 5c, 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 applications 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 Fenwick noted, in relation to Item 5a, that she was a Local Member for Peterlee West, and had responded to the consultation on the application. She would speak and leave the Chamber during the consideration of the application.

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

a DM/22/02891/FPA - Former Evans Halshaw, Passfield Way, Peterlee, SR8 1PX

The Principal 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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for 4 retail units (Class E), a tanning shop (Sui Generis), takeaway (Sui Generis) and ATM with associated access, car parking and landscaping (amended title) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted no objections from consultees, other than from comments from the Tree Section, noting loss of trees, but also noting the replacement trees within the landscape condition. She added that there had been 19 letters of objection from members of the public, the main reasons being summarised within the report the main points raised including: impact on health as a result of additional hot food takeaways (HFT); impact on health from the proposed tanning salon; overdevelopment of the site; inappropriate development next to residential properties; anti-social behaviour (ASB), impact on air quality; highway safety; congestion, especially at school drop off and pick up times; night time use of the car park and EV charging; and greater disruption than the previous use a car showroom. The Principal Planning Officer noted Praxis Real Estate, owners of Peterlee Town Centre had objected to the application noting they felt the sequential planning test had not been carried out correctly and that the application did not meet with the aims of the National Planning Policy Framework (NPPF) or national planning guidance. She noted there had been 52 letters of support, however, they were not from addresses in close proximity to the development and all appeared to be of a similar pro-forma letter style.

The Chair thanked the Principal Planning Officer and asked Stuart Box, local resident, to speak in relation to the application.

S Box thanked the Chair and noted he was, alongside the next speaker, representing the local residents who were in objection to the application. He explained that the former garage at the site had operated Monday to Friday, 09.00 to 17.00 and with shorter opening times at a weekend. He added those hours, and the nature of the business, had meant minimal disruption to neighbouring properties. He asked Members to note, in contrast, the proposals for 24 hour, seven days a week operation, with EV charging and a cashpoint. He explained he believed the impact on traffic, especially at school times had been underestimated, and reiterated the points raised by residents in their objection letters, that there was simply no need for additional HFTs, and noted the Officer's report and presentation had set out that had the proposals been for HFTs alone, and not as part of mixed development, then any HFT application would have been refused under policy. S Box added that he did not feel that was right, and neither was the inclusion of a tanning salon. He noted the development, being all retail, would attract ASB, as evidenced by other retail centres in the town, such as at the ASDA and McDonalds, especially at the weekends. He noted a recent stabbing at the former college site within the town centre and highlighted the issues with security faced by retailers in the town.

S Box added that there would be unreasonable noise and odour from the proposal from bins and plant equipment and highlighted the proposals were too close to residential properties. He added that heavy goods vehicles (HGVs) delivering to the site would present a danger in terms of highway safety. He reiterated that the vast majority of local residents objected to the proposals, with those in support simply having filled in an online proforma, noting they did not even live in the local area. He noted that one local family had recently moved to the area from next to the Co-op store in Shotton, to get away from noise and ASB. He concluded by noting that the focus for Peterlee should be to redevelop the town centre and not on this proposed development on what he felt was the wrong site.

The Chair thanked S Box and asked Tony Foster, local resident, to speak on the application.

T Foster noted that the photographs within the Planner's presentation did not give a true sense of how close the houses to the rear of the application site were to the proposed development. He noted that residents were first aware of the proposals six weeks ago when a sign was erected, without permission, as regards 'development coming soon'. He added that therefore many residents would have felt, from looking at that signage, that development was already approved, rather than was still at the planning permission stage, and therefore would not have submitted any objections as they felt the decision was '*cut and dry, done and dusted*'.

T Foster explained he had serious material concerns as regards the proposals and reiterated that the 'so-called' supporters of the application appeared to be all from a website with a pre-drafted script. T Foster explained that it was known nationally, and within the North-East and Peterlee specifically, as regards the problem of obesity and therefore it begged belief that such a proposal was recommended for approval, being not in alignment with the policies of the Durham Health and Wellbeing Board or County Durham Plan (CDP) and against the principle of fighting to combat early mortality. He noted the food that would be offered at the proposed HFTs would be high in saturated fat and carbohydrates and the food, especially from Cooplands, would be the worst possible type for children.

T Foster noted that in terms of traffic, he felt there would be considerably greater volume than anticipated, and he felt it would just be a matter of time before someone was killed, with three roads coming together at the junction. He reiterated that there was a lot more traffic along Passfield Way than was being referred to.

The Chair thanked T Foster and asked Nicola Crowley, Agent for the applicant, to speak in support of her client's application.

N Crowley explained that the proposals would help bring a vacant site back into use, providing a neighbourhood style retail development to allow top-up style shopping, with a Sainsbury Local on site. She added other occupants would include Cooplands and also a veterinarian practice, a welcome addition to the services within Peterlee. She explained that the sequential planning test had been correctly applied, as the development was on the edge of town. She explained that such developments required that type of mixed retail to be developed collectively, rather than disaggregated as suggested by the owners of the town centre in their objections. She noted that the site had been vacant for a considerable amount of time and that having an occupied site would in fact help provide a natural surveillance and reduce ASB. She added that the uses for parking and EV charging were not such that would generate ASB, and noise and odour from the development would be in line with the agreed noise/odour impact assessments submitted, which were considered satisfactory by Council Officers.

N Crowley added that, in terms of highway safety, a Transport Consultant had been engaged and a Road Safety Audit had been carried out. She noted that, following the submission of the conclusions to the Council, the Highways Section had offered no objections to the application. She added that the proposals were sustainable, with only partial demolition required at the site, reducing the use of new materials and noted that locally sourced materials would be used in the construction required.

She noted the energy efficiency measures that would be put in place, including the high efficiency insulation, advanced glazing and air source heat pumps for all but one of the units, Dominos, which by nature of the business required a gas supply. She reiterated that the proposals were policy compliant, would bring a vacant site back into use, had no objections from technical consultees and therefore she would ask that the Committee approved the application, as per the Officer's recommendation.

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

Councillor C Kay noted he did not have personal experience of the site, however, the starting position for most people would be that they did not want a takeaway next door to their property. He added he found it hard to believe that the site passed the sequential test, with no sites closer to the town centre being able to accommodate the proposals. He noted that, as the proposals were within 300 metres of a school, if the proposals had been simply for a HFT, then the application would have fallen flat. He noted, however, as mixed use then it was deemed permissible. He noted it was the first time he had heard of such a mixed-use development and asked how was that ok, adding he felt that if it was permissible, it was deeply flawed. He explained he was always generally very supportive of sites being regenerated and generating employment opportunities however, he would like to hear more from other Committee Members before coming to a conclusion on the application. He reiterated that allowing HFTs within 400 metres of a school, just because it was in a mixed-use development, seemed absurd.

Councillor J Elmer asked if there had been any comments, within those received from Durham Constabulary, as regards any incidents of ASB associated with the site being derelict. He also asked, through the Chair, how confident the developer was in terms of being able to secure those businesses as described. The Chair asked if the Agent, or one of the applicants present could respond on the latter point. Neil Creenlay, one of the applicants noted that end users were signed up, simply being subject to approval of permission at Committee.

The Principal Planning Officer noted that in terms of the sequential test, the applicant had been required to show availability of any suitable town centre units. She added that none of the units within the town centre were of the appropriate size for the larger units within the proposal. She noted that it had been looked at in terms of whether it would have been possible to break up the uses over the town centre and it had been shown to not be possible. She added that the proposals were for a local retail offer, for top-up shopping and for uses where it would not be reasonable to go into the town centre. She reiterated that Officers felt the application was policy compliant.

In respect of HFTs, the Principal Planning Officer noted that Policy 30 clearly related to A5 use only as standalone proposals, with the supporting text following the policy clarifying that it would not apply to sui generis or mixed-use developments and therefore it would not be possible to recommend a refusal on that policy, with the HFT elements being part of a larger development. She noted that Officers had initially sought to remove the HFT element, however, upon assessing the details of policy 30 and receiving legal advice on this, it was confirmed that based on the policy wording and supporting text, it would not be appropriate to request its removal from the scheme or uphold a refusal on that basis. The Principal Planning Officer noted that the response from Durham Constabulary's Police Architectural Liaison Officer had related to design suggestions to help prevent ASB only and had put forward no objections, nor comments on any issues at the site currently. She noted that Planning Officers had not noted any issues when attending the site or preparing photographs for Committee.

Councillor L Fenwick noted she was a Member for Peterlee and had been consulted upon the application as part of the process. She noted that the original plan for Peterlee, as a new town, had included local sets of shops to provide such local retail. She noted that she felt the development would enhance the area, bringing a derelict site back into use. She added that the inclusion of a veterinarian practice would be a useful service and she could not see any negatives to the scheme. The Chair noted that having responded as part of the consultation, Councillor L Fenwick may need to leave the chamber while the application was decided. The Legal Officer, Planning and Highways noted that having set out her position within a consultation response, Councillor L Fenwick should declare an interest and leave the chamber.

Councillor L Fenwick left the meeting at 10.09am

Councillor D Oliver noted he had attended the site visit and his overwhelming impression was of a derelict site that was that it was a real scar on the area and he would be concerned if it continued to impact the overall streetscape of the town. He noted that therefore he saw the proposals as an improvement, and while he acknowledged the concerns raised as regards traffic, Highways Officers had not submitted any objections to the scheme. He noted that the prior use had been a working car sales garage, with repairs, and therefore he did not have any concerns in terms of road safety. He added that when looking at the wider economy, three would be the jobs generated by the new units, as well as during construction, all of which was positive. In terms of ASB, he noted that a vacant site would be of more concern than an occupied one, and he noted that in terms of litter, it had been explained on the site visit that there would be plans in place and asked if that could be explained for the benefit of the Committee.

Councillor D Oliver concluded by noting that he felt in general the scheme was a positive one and therefore he would move approval as per the Officer's recommendation.

Councillor J Elmer noted he shared Councillor C Kay's concerns as regards the HFT policy not applying to mixed use development, and that the 400-metre rule only applied to A5 use. He noted he understood the policy as explained by the Principal Planning Officer, however, he would say it was an issue to be flagged for the review of the CDP in due course.

Councillor J Elmer noted the proposals represented regeneration of a derelict site, included EV charging, air source heat pumps and reused materials and part of the existing structure, all good points for consideration. He added he agreed with Councillor D Oliver as regards the importance of a litter picking regime, with such shops and HFTs being litter generators, a wider issue for the Council and residents across the county wherever there were such clusters of shops. He added that therefore he was very pleased to hear as regards the condition relating to litter picking on site and within a radius around the shops, noting he hoped such conditions would be applied to these types of applications. When looking at the impact upon the town centre, Councillor J Elmer noted that all were aware of the impact of large out of town developments on town centres, however, the scheme proposed was not of that scale and was within the urban outskirts of the town rather than outside of it. He understood that it was to serve a more direct local market and therefore he felt it would not have a negative impact upon the town centre. Accordingly, Councillor J Elmer seconded approval of the application. The Chair noted that Councillor J Elmer was correct in terms of raising issues relating to Policy 30 when the CDP was to be reviewed.

The Principal Planning Officer noted that the issue of litter picking had been discussed on the site visit, with a litter strategy having been received as part of the submissions from the applicant. She noted that Condition 24 set out the requirements and noted that the latest strategy received removed the litter picking outside of the immediate area. She added that Officers would look for that to be reinstated, and only once Officers were happy would the strategy be approved. She added that this, being via condition, would allow for the option of enforcement if there were issues in the future. She noted the comments from Members in relation to Policy 30 and HFTs to be looked at during review of the CDP in future.

Councillor C Kay noted the 52 letters of support being pro-forma and from people not in the direct area did not carry much weight. He noted no objections from Highways and agreed with the points made by Councillor J Elmer in terms of it being a local retail offer. He concluded by noting the issue of HFTs was one of a number that would need to be addressed when reviewing the CDP in the future.

Councillor A Bell noted he felt this was a difficult decision as, on the one hand, there were genuine concerns raised by residents and on the other a site that had limited use, the former use being a victim of the impact of car sales. He noted that the site was an eyesore, having been derelict for three years. He noted that the condition relating to litter picking was very good and asked if anything could be included in terms of recycling. In terms of the highways issues, Councillor A Bell asked if there was any management plan relating to the car park, noting similar car parks in other areas often had barriers to stop people and cars gathering late at night. He noted the proposed hours of operation, up to 23.00, and asked if there was any scope in relation to these as there could be impact upon children in bed in nearby residential properties. He noted Officers had referred to suggestions from Durham Constabulary as regards reducing ASB and asked what they had suggested. He agreed with the comments from other Members in relation to Policy 30 and HFTs, it was one to be addressed when the CDP was reviewed. Councillor A Bell noted the road leading to the site also went past nearby schools and residents had referred to a large number of vehicle movements, and asked if there was any scope for traffic calming measures to be brought in.

The Principal DM Engineer, David Battensby explained that the site itself would operate during school pick up and dropping off times, however, the majority of traffic going into the site would be passing trade. He added that potentially there was some positive use for the proposed car park on site, enabling some parking for those on the school run, then walking from the site to the schools. He noted that Passfield Way was a 30mph road and was one of the main arterial routes from the A19 into Peterlee town centre and therefore there was minimal opportunity for traffic calming measures, adding that the existing mini roundabout and signalled crossings were appropriate. In respect of the car park, he noted that issues in terms of management would be for the developer, and for the Police if any problems. He added that gating off the car park may have implications in terms of accessing EV charging and the cash point.

The Principal Planning Officer noted that Durham Constabulary had not referred to any specific ASB in their comments, their only comments related to crime prevention through design, such as controlling access to the rear of the units and ATM security. She noted they had also asked that some proposed outdoor seating be removed, and their suggestions had been taken into account. She noted the proposed hours of operation were those considered acceptable for the proposed uses, and were set out in condition, with Cooplands having an extra hour in order to begin cooking, again considered acceptable for the proposed use. She added that noise and odour would be controlled, with conditions referring to those controls.

In terms of the car park, the Principal Planning Officer noted that there was a condition for a car park management plan to be submitted and agreed by the Council prior to occupation, to include details of hours of operation.

Councillor A Bell felt that it would have been useful for Members to have those details relating to the car park to be able to consider and vote upon at Committee, rather than being in the hands of delegated authority. He reiterated his concerns in terms of unrestricted operation which could potentially be a nightmare situation, however, he took from the condition that the situation would be well monitored.

The Chair allowed S Box to raise a point. S Box asked for clarification in terms of allowing a HFT within 400 metres of a school, contrary to policy. The Chair noted he felt the point had been explained by the Principal Planning Officer, and Members were clear on the matter, that it did not apply to mixed use development.

Councillor C Kay noted Condition 24 referred to the litter management plan and suggested that, should the application be approved, a further application to remove Condition 24 may be submitted.

Councillor K Robson explained he had attended the site visit and felt the application site in its current state was an absolute mess and looked like a first-hand opportunity for ASB. He noted he had not noticed any through access to residential properties from the site and therefore could not see any issues associated with parking on the existing estate to then access the proposed shops. He noted that the proposals were similar to several in his area Newton Aycliffe, another post-war new town, with parades of shops within localities within the wider town. He noted those facilities were, as previously described, handy for top-up shopping and for elderly residents. He noted that he was not dismissing the concerns raised by the objectors, however, that was how he understood the application.

The Chair noted the application had been moved for approval by Councillor D Oliver, seconded by Councillor J Elmer and upon a vote being taken, it was:

RESOLVED

That the application be **APPROVED** as per the conditions set out within the report.

Councillor L Fenwick entered the meeting at 10.32am

b DM/23/00532/FPA - Bevan Square, Murton, Seaham, SR7 9HT

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 22 dwellings with associated works (amended layout) and was recommended for approval, subject to a s106 Legal Agreement and conditions as set out in the report. The Senior Planning Officer noted an update to the report, with a contribution required in terms of NHS provision in the sum of £10,626. She added the Agent for the applicant had noted that addition contribution was acceptable.

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

C Pipe thanked the Chair and Committee and noted it was her professional opinion that the scheme would enhance the local area and, speaking as someone who lived in a neighbouring village, she understood that the type of development proposed was offering the exact type of housing that was needed in the area. She noted only one letter of representation had been received, a sign of how much the scheme was welcomed. She added there would be four bungalows provided on site and noted that Believe was a trusted local social housing provider, known for their quality in managing properties. She thanked the Officers for their positive recommendation and noted she, along with a representative from Believe, would be happy to answer any questions from Members.

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

Councillor D Oliver noted he had attended the site visit and the proposals seemed to be very positive, noting good access to the site. He noted the 22 dwellings proposed and the presumption in terms of allowing sustainable development. He added that he was heartened by the lack of objections to the application, and while there was some loss of green space he felt the reduction from 23 to 22 properties and retention of trees was the right balance. He concluded by noting that the application was only at Committee as it was a development of more than 10 properties and there had been no objections from the Local Members, therefore he would move approval of the application.

Councillor K Robson noted he too had attended the site visit and felt that Believe should be applauded in bringing forward such a scheme, building on a brownfield site. He noted the scheme was very good, however, asked if there was any space where children would be able to play.

Councillor J Elmer agreed with the comments from Councillors D Oliver and K Robson, noting that the proposals were based upon evidenced need in that particular area, to be applauded. He noted he initially had been concerned as regards the loss of open space, however, he noted that an open space needs assessment had been carried out. He added that on the site visit it was clear the area had no play equipment and was not really used for play. Councillor J Elmer noted he appreciated the paring back in terms of the loss of trees and welcomed the SUDS pond at the lower part of the open space, which would help in terms of helping with the run-off rate of water from the new development. He added he felt there was an opportunity to create a valuable resource for wildlife, with a wetland that was safe and attractive, creating an enhanced feature and asked if there was any way to do more.

The Senior Planning Officer referred Members to the aerial plan for the site, noting pockets of open space as proposed. She added that the SUDS would be a mix of wetland and general purpose and the proposals were considered to meet with policy requirements. Councillor J Elmer asked as regards safe access and a standing for pond dipping. The Principal Planning Officer noted that the SUDS as described had been prepared in line with the adoption guide, with the guide stating that it would need to be multifunctional. She added there would be wildlife benefits, however, there would not be a pond feature, and would not be a viewing platform, however, there would be open access. Councillor J Elmer noted he was suggesting that the applicant could do more on this particular issue. The Chair asked if the Agent for the applicant would wish to comment. C Pipe noted the balance in terms of public safety, ecology and wildlife. She added there was a focus on improvement to the habitat and wetland, and while the site would be open, pond dipping would not be encouraged, reiterating that the focus was on drainage and wildlife.

Councillor A Bell noted he felt the scheme was very good and he would second Councillor D Oliver in proposing approval, subject to the NHS contribution previously referred to by the Senior Planning Officer, together with other contributions and conditions set out within the report. He noted that curiously it appeared to be the only area in the County where Education had not requested a contribution in terms of school places. He noted a recently development in the Great Lumley area that contained a SUDS and asked as regards how guidance set out requirements in terms of a dry or wet SUDS, noting he felt any pond could present a danger to children.

Councillor J Elmer noted that over the last 10 years or so he had noted good SUDS designs that could be safe and provide access to wildlife, noting often the main issue was the gradient of the bank leading into any SUDS pond. He asked the Committee not to be scared and take the opportunity to enhance the proposals. The Senior Planning Officer reiterated that the proposed SUDS was of wetland and general-purpose open space.

The Legal Officer (Planning and Highways) asked, prior to any vote being taken, that the proposed approval motion included the NHS contribution as referred to. Councillors D Oliver and A Bell confirmed that was their intention.

Upon a vote being taken, it was:

RESOLVED

That the application be **APPROVED** as per the s106 Legal Agreement, with an additional contribution relating to the NHS, and the conditions set out within the report.

c DM/23/01442/FPA - 33 St Bedes Close, Crossgate Moor, Durham, DH1 4AA

The Principal 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 change of use of dwellinghouse (Use Class C3) to HMO (Use Class C4) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted no external works to the dwelling were proposed and that the proposals were felt to be in line with policy. She noted no objections from statutory or internal consultees, except from the City of Durham Parish Council who objected to the loss of a family home, leading to an imbalance in the community, and with detrimental impact upon residential amenity, and stating one room did not appear to meet Nationally Described Space Standards (NDSS). She noted an update to the number of letters of objection, now 89, compared to 86 at the time of the publication of the report, including a letter from the Local MP, Mary Foy.

The Principal Planning Officer noted that in respect of Part 3 of Policy 16, the percentage of Class N Council Tax exempt properties within a 100-metre radius of the property was 6.9 percent, less than the 10 percent threshold.

She explained that while Officers took into account the points raised by the objectors, it was still felt the application was in accord with CDP Policies 16, 29 and 31 and did not represent an over-proliferation of HMOs (Houses in Multiple Occupation) in the area. She added that the new parking standards had been adopted and for a 4-bed property, it would be expected that there would be three spaces provided. She explained that for this change of use application, it would not be expected for the applicant to create an additional parking space, adding that details relating to cycle and bins storage would be secured via condition.

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

Parish Councillor S Walker noted that the Parish Council joined with the huge numbers of residents and Local Member of Parliament in strongly objecting to the proposals. She noted that all would know that the Council's measure of studentification was woefully inadequate and that student numbers were far greater than stated. She added that the use of a 100-metre radius did not work in the residential areas off the A167 which, in practice, operate as a series of small local communities. She noted that using information based on individual streets provided a better means of assessing the experience of local people.

Parish Councillor S Walker explained there were 60 houses in St. Bede's Close and that eight were student houses, equating to 13 percent. She noted that was an unbalance community, contrary to Policy 16, and added that Members had the opportunity to fix that issue, noting that the proposed development conflicted with a number of policies. She explained that Section 2 of the Framework required that strong, vibrant and healthy communities were supported by ensuring that sufficient number and range of homes were provided to meet the needs of present and future generations. She added that this was especially important, in the context of the University's recent statement indicating that there was sufficient student accommodation.

Parish Councillor S Walker noted that the loss of affordable homes and the encroachment by HMOs encouraged existing residents to move out and deterred future residents from moving in. She explained that one family on St. Bede's Close had faced a 50 percent increase in their rent, with the reason given being '*prices have risen substantially because of inflation and local student rentals*'. She added that the family had managed to negotiate the additional cost to a 30 percent increase, however, at the cost of a change in tenancy to a short-term let.

Parish Councillor S Walker noted that more secure family housing was desperately needed, not less and added as regards the particular importance of ensuring provision for families to restore and sustain community balance, as outlined in the Neighbourhood Plan, Theme Four.

Parish Councillor S Walker explained the Parish Council felt the application also fell short of Neighbourhood Plan Policy S1 (a) and (c) as it did not '*conserve the significance of the setting, character, local distinctiveness, tranquillity, and the contribution made to the sense of place*'. She added that Neighbourhood Plan Policy H3 required developments '*sustain and make a positive contribution to the character and quality of the area*', with the Parish Council noting they did not feel that was the case in this instance. She noted that Neighbourhood Plan Policy S1(m) was relevant when considering the other consequences, including car parking, the run-down nature of many HMOs, noise and lifestyles not reflective of residential areas. She added that such applications introduced a transient population with limited ties to the local community, challenging the wellbeing and amenity of long-term residents.

Parish Councillor S Walker added that the Parish Council felt that the development would not '*...function well and add to the overall quality of the area, not just for the short-term, but over the lifetime of the development*', as per NPPF Paragraph 130(a). She added that CDP Policy 29 stated that all development proposals must achieve well designed buildings and place which have regard to supplementary planning documents and other local guidance documents where relevant. She noted that the attic was missing from both the existing and submitted plans, possibly because it did not have Building Control consent. Parish Councillor S Walker noted that a drawing entitled 'Total Floor Area', showing the attic room, was used to provide a total area for the building. She added that the applicant stated the room would not be used, in which case the area should not be included.

Parish Councillor S Walker noted there was a problem in terms of the proposed plans and fire safety, adding that escape routes should not pass through an area of risk. She noted that, in this instance, the means of escape from the first floor was via an open tread stair leading directly into the living room below, not a place of safety. She added there was a significant risk of a fire starting in the living room, cutting off the means of escape from the three bedrooms above. She noted that travel distances from the furthest corner of all the bedrooms on the first floor to a 'place of safety' exceeded the permitted maximum of nine metres, not a well-designed building.

Parish Councillor S Walker explained that the application did not comply with the Council's adopted Parking and Accessibility Standards 2023, which required three parking spaces.

She noted that the applicant claimed that two spaces were provided, however, there were none as neither the garage or the driveway were of compliant size and could not be counted. She explained that this did not meet the criteria of Paragraphs 51(a) or 81 within the Officer's report, or even Paragraph 83 which referred to previous parking standards.

She added the Parish Council were baffled by Highways' failure to raise an objection because '*...there would be no change in the number of existing and proposed bedrooms in the property. On this basis, there would be no material change resulting in a proposed impact on the local highway*'. Parish Councillor S Walker noted the Parish Council felt that was irrational and bore no relation to the reality experienced by residents. She added that it was not the bedrooms that drove cars, rather the adults living in a property, with a family likely to have two, whereas an HMO would have four independent adults. She noted that Policy 31 stated that development would be permitted where it could be demonstrated that there would be no unacceptable impact on health, living or working conditions. She added that had not been demonstrated.

Parish Councillor S Walker added that the development certainly did not '*contribute positively to an area's character, identity, townscape and landscape features*', as per Policy 29(a), nor did it help '*to create and reinforce locally distinctive sustainable communities*'. She added that the proposals would have a detrimental impact on residential amenity, contrary to CDP Policies 29 and 31, the Framework paragraph 130(f) and Neighbourhood Plan Policies S1 and H3. She noted that as she had stated previously at Committee, those policies were not optional or aspirational, and they must be met in full. She added that those policies required any development was an improvement and it was felt what was proposed was not. She concluded by asking, on behalf of the Parish Council, herself and the others that lived in the area, that Members refuse the application.

The Chair thanked Parish Councillor S Walker and asked a local resident, to speak in respect of the application, noting slides would accompany her presentation.

The local resident thanked the Committee for the opportunity to speak in objection to the application. She explained she lived with her husband and sons in the adjoining property to 33 St. Bede's Close, and had done so since 2013. She noted that the St. Bede's Community was made of 60 family homes, in a great location for schools, however, stressed that the community was much more than just that.

She noted St. Bede's neighbours were active in community life, with examples including: volunteers for children and toddler groups at St. John's Church, a help to so many young mum's including herself; joint celebrations, with reference to a slide showing the 75th Anniversary of VE celebrations in 2020; charity initiatives; a multicultural mix, with 8 nationalities in the area. The local resident added that for her and her husband not having any family around them, it had been their neighbours that had helped them when they first moved to the area, became parents and they tried to do the same for other residents.

The local resident explained the reason why residents were objecting was that the community was a small one, with 60 homes, of which eight were already let out to students, that representing 13 percent of all homes. She added that residents are actively targeted by property agents which want to resell their homes for student lets or rentals. She explained that some local residents had already moved within the city, from May Street and Laburnum Avenue, as a consequence of students moving into those streets, and residents feared that history was to repeat itself. She noted that student properties on St. Bede's Close, and in general, were poorly managed and look in disrepair and would refer to slides highlighting this.

The local resident noted that the St. Bede's Community was connected to one of the busiest roads in Durham, the A167, and reiterated eight properties already were let to students, as shown on a map slide, with both those Licensed HMOs and other properties known to be occupied by students. In reference to the difference between well maintained family gardens and homes and student properties, The local resident referred Members to photographs comparing a few examples of family homes and student properties, noting the latter had many issues including: rotting window frames; doors having been replaced after falling out; a fallen fence that had not been replaced; unkept gardens; rubbish piling up regularly; drains issues at No.50 and a consequent leak to the neighbouring property. She noted the issue at No.50 had occurred 9 times since February 2020, reported to the landlord, however, left for weeks at a time to resolve.

The local resident referred Members to a further slide, highlighting parking issues, noting that not only 'home' students could own cars, but also international students, and showed an example of parking at 33 St. Bede's Close which blocked her drive, and another example of four student cars parked at 50 St. Bede's Close, where a family home would normally have one or two cars.

The local resident noted the applicant had responded in their statement to objections received and wished to address the points raised. She noted the phrase 'responsible landlord' had appeared frequently in the statement, however, the landlord had not once checked with neighbours if there were any issues, nor had they responded to any messages.

She reiterated there had been parking issues and rubbish collections were regularly missed, with piles being deposited outside. She added the property was run down and did not provide the highest standards of safety. She referred to photographs of the property in 2021-22, when it was well-maintained, and noted that now there was a fallen fence, moved by herself as it had presented a danger to her children. She noted leak at the rear of the property, getting bigger and bigger and not fixed. The local resident noted those were the reasons why residents did not believe the property should be granted an HMO licence.

She concluded by asking Members what kind of community they would want their children and grandchildren brought up in and highlighted a picture of the viaduct area of the city from the past, with street parties, and present day, empty.

The Chair thanked the local resident and asked the applicant, Dr Nan Hu, to speak in support of her application.

Dr Hu thanked the Chair and noted the many residents in attendance interested in the matter. She noted she would wish to provide clarity and assurance on several key matters for both the Committee and the community. She continued noting she was a diligent and responsible landlord and noted that issues with other student properties as described and several of the photographs in the slides did not in fact relate to her property. She explained that she had a gardener that cut the grass each week and a photograph shown to demonstrate parking issues within the objector's presentation was in fact of a taxi picking up students who were going home, hence the luggage as seen, and that the 'blocking' of the road had been only temporary.

Dr Hu noted she would ensure her tenants would not cause a disturbance, and there would be consistent communication with them to be peaceful and respectful of neighbours. In respect of the concerns raised regards parking, Dr Hu noted she understood, however, to address those concerns, two in-curtilage parking spaces were to be provided, which was noted as being sufficient as the majority of students did not own a car. She added that if the Committee deemed it necessary, she would be happy to create an additional parking space.

In respect of the bedrooms and noise control, Dr Hu noted she was willing to implement improvement, including sound insulation if required. She hoped she had been able to provide some assurance that she was a responsible landlord and would hope the standard of tenants would align. She added she was open to suggestions from the Committee and would meet any requirements. She thanked Members for their time.

The Chair thanked Dr Hu and asked if Officers could respond to the points raised by the speakers.

The Principal DM Engineer explained that it was acknowledged that as families grow and expand, with that being an expectation for a residential property, the number of vehicles can increase up to the number of bedrooms for a property and potentially more if work vehicles are parked overnight. He noted that the parking standards looked for a balance, however, in this case there were no extensions or increase in the number of bedrooms, and therefore it would not be appropriate to retrospectively apply the parking standards. He noted the applicant had mentioned adding an additional space by widening the drive which would be beneficial and welcomed, however, he felt from a Highways perspective, there were no grounds to object to the application as it was.

The Chair asked the Committee for their comments and questions.

Councillor A Bell asked as regards Policy 16 and the number of properties and percentages quoted by residents as compared to those within the Committee report. The Principal Planning Officer noted that figures had been rechecked prior to the meeting and the figure was 6.9 percent Class N Council Tax exempt properties within a 100-metre radius of the application property, less than the 10 percent threshold. In terms of comments that the policy was not fit for purpose, the Principal Planning Officer noted that it was the policy that was agreed and discussed at length during the examination in public of the CDP. She added it would include any properties with students, Class N exempt, not just HMOs. Councillor A Bell noted that the numbers different from those quoted by residents. The Principal Planning Officer reiterated the Council figures were for all Class N exempt properties, not just HMOs. Councillor A Bell asked where the two additional properties referred to by objectors factored in. The Principal Planning Officer noted properties those referred to by objectors were within the street, however, were not within the 100-metre radius considered by policy.

Councillor C Kay noted 60 properties at St. Bede's Close, with eight of those being student properties, however, only 6.9 percent were Class N exempt within 100 metres of the application property. He noted he wondered whether tenants or the landlord would pay any Council Tax in some cases. He noted he felt the 100-metre radius considered in the policy was flawed.

He noted he felt these types of application were the thin end of the wedge, and he felt it was similar to other recently considered applications. The Chair noted that it was an issue to be looked at when the CDP was reviewed, however, noted that in itself was not grounds for refusal, the application being shown to be in line with Policy 16 as it stood, with the 100-metre radius being considered.

Councillor D Oliver thanked all the speakers and noted his sympathy with residents in terms of the ongoing issues described as an impact of other HMOs. However, he noted he was struggling to see any reasons relating to the property in question in terms of refusal. He asked if there was any local authority or national data that showed the impact on residents of the impact of HMOs, though he would be loathed to apply such to HMOs en masse. In relation to parking, he noted the property was approximately one mile from the Cathedral and therefore students would likely walk into the city centre. He reiterated that any local authority or government data on HMO impact may be useful, if not available now, for future reference.

The Principal Planning Officer noted that research had been undertaken which had informed the 10 percent threshold value within Policy 16, that being the amount, or tipping point, over which it was felt there was an impact, and this approach is adopted with the CDP. While she understood the reference made by the Parish Council and residents as regards the student properties within the larger street, it was not the methodology adopted by Policy 16, reiterating the threshold of 10 percent Class N Council Tax exempt properties is measured within the 100-metre radius of the application site and that this is the consistent method applied to all applications. Undertaking this measurement on a street-by-street basis would be difficult to apply consistently across the whole Article 4 area. She added that while a large number of HMOs could override the character of an area, however, there were not sufficient in number in this instance, being less than the 10 percent threshold. She noted that any future applications would approach that 10 percent value, and once above, any applications would be recommended for refusal.

Councillor J Elmer noted that Durham University and Durham County Council issued a joint statement yesterday noting that there was adequate provision of student properties to meet the numbers of students. He added he felt the purpose of planning was to ensure provision aligned with need, and rather than to leave it simply to market forces, it was for Members to temper. He felt this application was the polar-opposite of need. He continued, noting that NPPF Part 16 which noted that the support of Government was for the supply of housing such that the needs of specific groups were addressed. Councillor J Elmer noted the 6.9 percent value from the 100-metre radius considered by Policy 16.

He noted that the policy consistently undercounted the numbers of students, with cases where one resident was a worker, then the property would not be counted as a student HMO, or a landlord could be paying the Council Tax bill. He noted that while it would only take a few incorrectly counted properties to take the percentage over 10 percent, he would not be objecting to the application on the grounds of Policy 16.

Councillor J Elmer noted his concern as regards the issue of fire safety raised by the Parish Council and would like further comments from Officers in that regard. He noted that one of the bedrooms did not meet the NDSS and therefore asked if there would be condition that room could not be rented out.

He noted that the Committee had considered a few similar applications recently, where Members had refused on the grounds of the impact upon residential amenity. He appreciated the applicant's comments in terms of tackling issues, however, a transient population would impact upon community cohesion and, accordingly, he would therefore move refusal of the application.

The Principal Planning Officer noted the issues in terms of fire safety would be picked up via other legislation, such as building control regulations, though not HMO Licensing as it was less than five bedrooms. She added that the small room was shown within the presentation as a study room and whilst it would not meet NDSS standards, it would meet licensing standards. However, a condition is included to restrict to four occupants, therefore one for each of the bedrooms that meet NDSS standards.

Councillor J Elmer reiterated he would propose refusal of the application, being contrary to Policy 29.

The Chair noted Councillor J Elmer had raised the issue of need and press release from the University and Council which suggested there was sufficient student accommodation and asked the Planning Officers for their comments. The Principal Planning Officer noted that strategic policy looked at need, in terms of local housing needs assessments, and the press release related to Part 2 of CDP Policy 16 which related to Purpose Build Student Accommodation (PBSAs) which required a demonstration of need. She added that, however, Part 3 of Policy 16, which was relevant in the case of this application, did not require a demonstration that there was a need for further HMOs, of need requirement, rather applications assessed against this part of the policy are required to meet the 10 percent threshold as previously explained.

Councillor S Deinali noted that the Committee appeared to be in a similar position to that it had found itself in at the last few meetings, and as had been explained and shown, there was a need to protect balanced communities and therefore she would second Councillor J Elmer's motion for refusal, adding she also felt the application was contrary to Policy 31.

Councillor D Oliver asked if there was any feedback from the Planning Inspectorate in terms of those recent refusal by Committee that had been taken to appeal. The Chair noted that he understood a few of the decisions were being appealed by their applicants.

The Legal Officer (Planning and Highways) noted a couple of appeals had been submitted, with one relating to The Larches for a large HMO was a few months into the process, with a report to be brought back to Committee in due course. She noted that number of other decisions from recent Committee meetings were also being appealed, however, they were only at a preliminary stage.

Councillor D Oliver reiterated that he had a great deal of sympathy with residents, however, he was struggling to extrapolate their specific experiences to wider student properties. He noted he had concerns in terms of any decision that would contravene Policy 16 and noted that if Members were being asked to overturn an Officer recommendation he would ask for clarity in terms of policy. He noted he would be minded to accept the Officer's recommendation, however, he would listen to the comments from Members. The Chair noted Policies 29 and 31 had been referred to by Councillors J Elmer and S Deinali as policies they felt the application was contrary to. Councillor J Elmer noted the non-permanent residents not developing long-term relationships with neighbours.

Councillor C Kay accepted what Officers had said, however, Members were lay-people, and provided the steer as regards a decision, with valid reasons, and felt it was for Officers to provide details. The Chair noted he felt Councillor J Elmer had explained his reasoning.

The Area Planning Manager, Sarah Eldridge noted that Officers were asking for the narrative around what Members felt the impact on residential amenity would be, with Officers to add any technical wording as necessary, however, for Members to be clear why they felt an application should be refused.

Councillor D Oliver noted that while he was very sympathetic with the residents and their anecdotal evidence, he felt it was not clear in relation to this case specifically. He noted that while his electoral division was outside of the sphere of gravity of the University, he noted that should an application in his area be recommended for refusal on the grounds of ASB there would be a need for clear evidence of that ASB.

He added he felt there was not sufficient strength that any refusal would hold up at appeal, and added he worried that there could be a number of the recent decision upheld by the Inspector at appeal and we would be 'back where we started'. He added he felt there was no other choice in terms of the application. The Chair noted that those appeal decisions would no doubt inform decision making going forward.

Councillor C Kay noted he has sat on Planning Committees of various forms since 1987, hundreds of meetings, and noted that he felt that Members should not be frightened of the Planning Inspectorate adding that democracy was why Members were in the Chamber and they were there to make decisions on the applications put before them. The Chair agreed with Councillor C Kay and thanked him for his service.

Councillor J Elmer noted he agreed with Councillor C Kay and noted he felt residential amenity, social cohesion were not easily measurable metrics, however, were material considerations. He added he felt Policy 29 gave more flexibility in those areas in terms of stronger reasons for refusal. Upon a vote being taken, it was:

RESOLVED

That the application be **REFUSED** as the change of use of the property to a house in multiple occupation (Use Class C4) within this locale (which includes several properties occupied as HMOs but unregistered as being Class N exempt from Council Tax), would unbalance the community and have a detrimental impact upon community cohesion and adversely affect the amenity of residents within the local area from increased noise and disturbance. Therefore, the proposal is contrary to Policies 29 and 31 of the County Durham Plan.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/01107/FPA
FULL APPLICATION DESCRIPTION:	Demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping.
NAME OF APPLICANT:	Route 66 C/o Agent JMS Planning & Development Ltd
ADDRESS:	Wheatley Service Station Durham Road Wheatley Hill Durham DH6 3LJ
ELECTORAL DIVISION:	Trimdon and Thornley
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 is an existing petrol filling station with ancillary sales area located on Durham Road (A181) which runs between Durham and Castle Eden with the site being located just east of the entrance to Wheatley Hill.
2. The site currently comprises a single-storey building with petrol pumps located directly in front of the building. Car wash facilities and associated parking is located to the east of the building with HGV pumps located to the west.

Proposal:

3. Consent is sought for the demolition of the existing building and removal of all existing structures on site to allow the redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping.

4. The new building would have an overall floor space of 565.5sqm of which 218sqm is sales area. The existing building has an overall floor area of 142sqm with approximately 79sqm of sales area. The building would be located to the east of the site with the pumps being provided towards the central part of the site. Jet bays are proposed to the south of the building with delivery bay proposed to the east of the building.
5. The existing entrance would be closed off and replaced with separate entrance and exit points. An existing exit point to the rear of the site is also proposed to be closed off.
6. The application is presented to committee at the request of Cllr Jake Miller in respect of highway safety concerns.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 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 7 Ensuring the Vitality of Town Centres* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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

20. Policy 6 (Development on unallocated sites) states the 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 9 (Retail Hierarchy and Town Centre Development) seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
22. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

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 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
25. 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.

26. 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.
27. 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.
28. 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.
29. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
30. Policy 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.
31. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

Neighbourhood Plan

32. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. Highways – No objection subject to various conditions relating to closing off the highway and creation of new openings
34. Coal Authority – The proposal is not within a high risk area.
35. Durham Constabulary – Advice on security standards provided.
36. LLFA - No objection raised
37. Environment Agency – No objection subject to conditions regarding contamination, full details of the tanks to be installed and a Construction Surface Water Management Plan
38. Wheatley Hill Parish Council object to the proposal as they consider that the closure of the rear access point will create a road safety hazard that will lead to further accidents on this stretch of road due to their being 3 access/egress junction all within close proximity to each other on the A181.

INTERNAL CONSULTEE RESPONSES:

39. Environmental Health (Contamination) – No objection, subject to contaminated land condition regarding the submission of further details.
40. Environmental Health (Noise) – No objection subject to condition regarding opening hours of jet wash and re compliance with lighting plan
41. Ecology – No objection subject to the submission of a Biodiversity Monitoring Management Plan which can be controlled via condition.
42. Landscape – Some localised harm raised however landscaping scheme submitted is satisfactory
43. Policy – Advice given in respect of which policies to consider
44. Petrol Officer – No response received

PUBLIC RESPONSES:

45. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, three letters has been received with the following concerns:
 - Supportive of the proposal and highway changes
 - The closure of the rear exit/entrance would create a much better environment for the street. This would not only prevent a lot of traffic currently using the street but I would also hope that there would be a lot less rubbish being dumped by others coming from the shop/station. It would also allow the road to return to being a quiet cul-de-sac where children can play safely.
 - The new pedestrian entrance should be of the type that would prevent the likes of Quad bikes/scramblers being able to use this way in and out.

APPLICANT'S STATEMENT:

46. The application seeks full planning permission for demolition and removal of all existing structures on site and the redevelopment of the site to provide an enhanced domestic forecourt providing nine pump islands; two HGV refuelling positions; provision of an EVC hub providing recharging facilities for 7 vehicles including a disabled EV charging bay; the provision of a sales building of 465 sqm including food to go offer; the provision of customer/staff car parking bays totalling 19 spaces including two disabled bays; two jet wash bays and car care facilities including a vacuum and an air/water bay; amendments to the egress arrangements; the provision of landscaping areas and associated works at Wheatley Hill Service Station, Durham Road, Durham, DH6 3LJ.
47. Pre-application advice was sought from Durham County Council prior to the submission of the application in August 2022 which was received from the LPA dated 20 September 2022 (Ref: PRE42/22/02370). The Council's response provided an overview of planning policy, and confirmed there was no planning history of relevance for the site. The advice confirmed the principle of the proposal was acceptable subject to consideration of a number of detailed issues. The comments were reviewed, scheme changes made and additional supporting documents commissioned. It is considered the points raised have been addressed including the provision of retail justification for the proposal including the sequential approach to site selection and impact. Consideration has been given to the landscaping and screening of the site and the necessary ecology work undertaken. Detailed comments from highways were provided a part of the pre-app and these have been responded upon in the Transport Statement accompanying this application.
48. The principle of redevelopment of the site should be accepted given that the site is an existing long-established petrol filling station on the A181 and has a long planning history for the provision of roadside services. The site is unallocated, on the edge of a settlement and due consideration has been given to amenity and landscaping. The proposal will enable the site to better meet the needs of motorists, as well as local residents, through the upgrade of fuelling facilities and improved sales building facilities. The proposal will bring a wide range of social, economic and environmental benefits and accord with the role and the focus as contained within the NPPF and the Local Plan.
49. The National Planning Policy Framework identifies the need for planning positively for community facilities and roadside services that support the safety and welfare of road users. Petrol fillings stations are a vital necessity and provide an important role in ensuring that motorists travel safely especially as the number of vehicles on the roads continues to increase and the number of petrol stations decreases, thereby increasing demand on existing petrol stations.
50. The proposal also introduces electric vehicle charging facilities to the site meeting customers' needs in line with the Government's objectives to decrease reliance on fossil fuels and decrease CO2 emissions. The proposal will contribute to the establishment of countrywide electric vehicle recharging infrastructure which will assist in increasing the uptake of electric vehicles. This should be particularly welcomed in the context of national guidance, the Government White Paper and Local Plan Policy 21 (Delivering Sustainable Transport) which seeks to deliver sustainable transport modes.
51. Overall, the redevelopment of the site is in keeping with Local Plan Policies 6, 9, 10, 21, 29, 31, 33 and 39.

PLANNING CONSIDERATIONS AND ASSESSMENT

52. 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.
53. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) 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.
54. 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.
55. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

56. The site is considered to be within the open countryside and as such, policy 10 of the County Durham Plan is considered relevant which states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of a list of exceptions. One of these specific policies is policy 6 which relates to developments on unallocated sites.
57. Policy 6 allows for the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
58. In this instance, the site is considered to be well related to the settlement being the site of the existing service station, which is located immediately south east of the built up area being within a sustainable location (criteria f) and would therefore not be considered to provide ribbon development or a coalescence to neighbouring settlements (criteria b). The site is also considered to be within a sustainable location.
59. Given the site is a re-development of an existing site, the proposal is considered to be a suitable use (criteria a). In addition, it would provide a replacement facility for the village (criteria g) and is considered to make use of previously developed land (criteria i). In respect of criteria c the proposal is not considered to result in the loss of open land which has recreational, ecological or heritage value and is therefore acceptable in this respect. Criteria j is not considered relevant in this instance.
60. The development is also considered to be acceptable with regards to criteria d) scale and design and e) highway safety however more detailed consideration is contained elsewhere in this report.
61. In respect of criteria h, the site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area, therefore there is no conflict with this part of the policy, but further consideration is provided in the drainage section below.
62. Given this, the proposal is considered to be acceptable in principle subject to appropriate consideration of the other issues which are considered in more detail below in respect of policy 6 of the County Durham Plan.
63. The site, however, is also located outside of the Wheatley Hill defined town centre as set out on the CDP Policies Map. Policy 9 of the CDP sets out a retail hierarchy, Wheatley Hill centre is identified as a Local Centre. The policy seeks to protect the vitality and viability of all centres within the hierarchy.
64. Policy 9 of the CDP identifies those proposals for main town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential test. This reflects advice within the NPPF, paragraphs 86 and 87.
65. The proposed retail element of the forecourt redevelopment would constitute a main town centre use. Given the sites location, beyond 300m from the local centre, it would constitute an out of centre site. The policy also states that proposals for retail in excess of 400 sqm (gross) convenience or comparison floorspace, proposed outside of a defined centre, and that could impact on Small Town or Local Centres, will be required to provide an impact assessment in accordance with the guidance within the NPPF and the PPG.
66. Therefore, sequential justification was required to be provided as to why the proposed retail element could not be located within the local centre, taking into account the fact that the existing sales area equates to 79sqm and is proposed to be

increased to approximately 218 sqm which would more than double the size of the existing sales area.

67. The applicant included a sequential assessment within the Planning, Design and Access Statement which states that as the proposal is for the expansion of an existing business on the current site, it would be impractical to locate the retail element of the proposal elsewhere, particularly as it is intrinsically linked to the services associated with the petrol filling station.
68. Spatial Policy assessed the details and considered that the approach within the sequential assessment was acceptable, although noting the increase in size in the sales floor area, there was a query as to whether the re-developed site could result in it becoming a destination in its own right.
69. In considering the details of the scheme, the proposal intends to provide an improvement to an established existing facility, that is suitably located adjacent to a major road connecting the A19 with numerous settlements including Durham City. Given this established use and proposal to enhance car related facilities, including EV charging points hub, the proposed increase in sales area is not considered excessive and would be deemed commensurate with the scale of the petrol filling station site, number of pumps provided and other car related services available. On this basis, it is anticipated the redevelopment of the site would continue to function in a similar fashion to the existing operation, providing services to passing motorists as before, with some continued provision to nearest residents as a neighbourhood style shop facility. Due to this, it is not considered that it would become a destination in its own right.
70. The proposed re-development of the site is therefore, considered acceptable in respect of policies 6, 9 and 10 of the County Durham Plan.

Impact on Residential Amenity

71. CDP Policy 6 and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
72. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
73. The nearest residential neighbours are located to the north west corner of the site across the road, Wingate Lane, to the rear of the site, where a car access point currently exists but is proposed to be closed as part of this application. The front curtilage of these properties is located approximately 15m from the boundary with the site with the main dwellings being set back approximately a further 7m. The nearest part of the proposal is a substation and then the HGV petrol pumps however

these are considered a sufficient distance away from these neighbouring properties that the proposal is not considered to cause any significant loss of light, overlooking or overshadowing. The main building is located to the middle of the site with the jet wash and other associated works located beyond the building to the south (front of the site) adjacent the main A181 road or to the east towards the open countryside and away from the nearby residential properties.

74. In respect of noise, a noise impact assessment has been submitted which considers noise from Forecourt/Customer Activity, Delivery/Servicing Noise and Jet Wash Bays. A background noise survey has been undertaken and establishes road traffic from the A181 as the dominant noise source. Due to a variation in background noise levels, which were influenced largely by road traffic noise an average level was used.
75. Specific noise levels were calculated using sound exposure levels (SEL); this is not in accordance with BS4142 methodology. An SEL is the measure of sound events for a given process/activity over a given duration and provides a single decibel level as the level of exposure or impact. In this instance however the use of SEL is accepted. All specific noise levels were calculated based on noise data obtained from a similar garage site and worse case scenarios. A +3db character correction level has been added to all activities.
76. The assessment establishes a low impact from Forecourt/Customer Activity, Delivery/Servicing. In terms of the jet wash the assessment is based on it operating between 0700 - 2300 seven days a week and the barriers offering a degree of noise attenuation, establishing a low impact also.
77. Based on the information received, it is considered that it demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development will not lead to an adverse impact. However, it is considered that a statutory nuisance may occur in respect of the jet wash but, it is felt that this can be overcome with the addition of a condition to restrict the use of the jet wash between 0700 to 2300 hours. Jet wash facilities already exist on site with the proposed upgrade to the service station representing an improvement to the operations of this facility. In particular the jet wash facilities would continue to be located a reasonable distance away from nearest neighbours to the front of the site, with the sales building providing a buffer. With the inclusion of a barrier around the jet wash, officers are satisfied that the noise generating elements have been carefully positioned and can be controlled to reduce any potential noise from occurring and impacting on nearest residents.
78. In respect of lighting a light impact assessment and illuminance plan has been submitted which has been assessed and it is not considered that an adverse impact would occur providing the site is developed, within the parameters as stated on the submitted light and noise/light impact assessment and illuminance plan which will form an approved document of any potential approval.
79. The proposal, therefore, is considered acceptable in respect of policy 29 and 31 in respect of residential amenity of existing residents subject to pre-commencement conditions being added.

Highway and Pedestrian Safety

80. 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. Part e of policy 6 of

the CDP states that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

81. Both letters of support and objection have been received regarding the closure of the existing access to the rear of the site with nearest residents welcoming the closure. However concerns have been raised from the Parish Council that this will create a road safety hazard that will lead to further accidents on this stretch of road due to there being 3 access/egress junctions all within close proximity to each other on the A181. Further concern has been raised that the proposed pedestrian access may encourage motor/quad bikes to exit in this area.
82. The site is located on the A181 which is considered to provide an important link between the east coast and A19 with Durham, the A1(M) and the west of the County. The traffic flow on this road is approximately 17,000 vehicles per day (AADT) based upon pre-pandemic figures. The site is located on the north side of the A181 which is street lit as far as the filling station entrance, subject to a derestricted speed limit and subsequent high traffic speeds due to a relatively straight alignment. The C65 Cemetery Road South road junction is located circa 140 metres to the west of the existing site entrance. Ghost island turning lanes are provided on the A181 for the C65 junction and various accesses in this location.
83. This application includes the relocation of the existing access on the A181 further west circa 30 metres and the creation of a new vehicular exit from the site to the east. The proposed new site entrance will result in a separation distance of circa 110 metres between it and the existing C65 Cemetery Road South road junction. A minor access on the south side of the A181 leading to Old Wingate is circa 15 metres to the west of the proposed site entrance.
84. The separation distance of the A181/Cemetery Rd junction and the proposed filling station entrance is in excess of the requirements of national standards and therefore the location is considered to be acceptable.
85. With regard to visibility splays achieved from the proposed site access, the standard required is determined from the Design Manual for Roads and Bridges (DMRB) and is based upon the actual vehicle speeds on the main road. The visibility distances achieved on site meet the requirements of DMRB for 60mph and are therefore considered acceptable.
86. Vehicle speeds on the A181 correspond to the national (60mph) speed limit with the 85th percentile speeds circa 55mph indicating good compliance with the speed limit. The traffic survey on the A181 corroborates data obtained by previous DCC traffic monitoring surveys and shows the 85th percentile speeds to be circa 60mph and very good compliance with the speed limit. The A181 is a strategic road designed to DMRB standards and is subject to a national (60mph) speed limit.
87. It is noted that there are some concerns regarding the removal of the vehicular access to the rear of the station onto Wingate Lane. It is also known that over a long period of time there have been previous local requests for this access to be closed to traffic.
88. It is acknowledged that closing the rear access onto Wingate Lane will inevitably increase the movements at the exit onto the A181 however, the separation of entrance and exit ensures that the exit does not exceed capacity for the layout. Notwithstanding this, the number of vehicle movements remains significantly less than those at the junction of Cemetery Road South and the A181 by way of comparison.

89. The record of personal injury incidents has been analysed for the area and does not reveal an incident trend that would be significantly influenced in a negative way by the changed access arrangements. It indicates that there have been a small number of incidents in the area in the previous five years. One was at the service station exit, one at the Wingate Lane/Cemetery Road junction and three at the Cemetery Road/A181 junction. In all cases the causation factor is determined as driver error / failure to look properly. Of the three at the A181/Cemetery Road junction, one was a poor U-turn manoeuvre and two were right turns into the side road.
90. The closure of the rear access therefore does not constitute a severe road safety risk and does not satisfy a refusal reason under NPPF paragraph 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
91. The quantum of 14 parking bays inclusive of 2 disabled spaces with an additional 5 staff bays and cycle parking is considered to be acceptable and meets with both the current standards and also the new parking standards SPD which is now adopted.
92. It is noted that there is to be a new pedestrian access at the rear which exits onto the footway along Wingate Lane. The site boundary hedge can be overgrown and obstruct the footway and to encourage use of the path the hedge would need to be cut back to the boundary. In addition, some issue was also raised with regards motorbikes /quad bikes using this pedestrian access and creating issues with pedestrian safety. Whilst these issues are noted, it would be expected that the land owner or operator on site would undertake maintenance and management of use of the site and controlling these specific elements by condition would not be deemed necessary.
93. Work to the highway will be required which require separate highways consent and it is advised that informatives are added to ensure the applicant is aware of this, and this would include the revised turning arrangements being carried out to correct standards and water gullies being amended or installed.
94. The existing access onto the unclassified Wingate Lane to the rear of the site and the existing access onto the A181 will require reinstating with full height kerbs, footway construction and verge to DCC adoptable standards, a condition will be required to ensure this is carried out prior to the commencement of the development.
95. A suitable Construction Management Plan is also required and should include but not limited to, details of the routing of delivery vehicles, delivery times, the control of deliveries to avoid peak periods, the protection of the public during site works, avoidance of mud and detritus being deposited on the public highway, highway works traffic management etc. It is considered that this can be controlled via a pre-commencement condition.
96. The details of the revised protected right turning lane contained in the "Technical Note - Access and Visibility" being in accordance with DMRB CD123 are noted. The Principal Highways engineer requested a condition be applied to any approval seeking that the final design is approved by the Local Planning Authority prior to commencement of works to ensure the safety of the public.
97. On the basis of the above and subject to the above conditions, the principle of the proposal is agreeable from a highways perspective in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.

Scale/Design

98. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
99. In respect of the design/scale of the proposal whilst the footprint of the building has been increased, it would remain as a single-storey rectangular shaped building but would be flat roofed, along with a flat roofed canopy over the pumps. It would be positioned in an appropriate location which allows for natural surveillance over the pumps, with the frontage containing large areas of glazing along this elevation. It is also considered that the size of the site is sufficient to accommodate the size of the building and the associated works which are required. Details of materials have been provided in respect of the building which show composite roof and wall cladding in a grey colour (RAL7012) with some silver detailing (RAL 9006). A yellow strip across the front of the building is also proposed. In respect of the Jet Wash this is also proposed in the same grey/silver colours as identified and will be 3.8m high. These materials are considered appropriate and more muted than the existing which has white render walls. The materials will form part of the approved plans. Further details however are considered to be required regarding full specifications details/colour etc of the canopy and other associated structures which can be controlled via a condition.
100. Policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist.
101. Policy 27 of the CDP requires new residential and commercial development should be served by a high speed broadband connection.
102. It is considered that further details of both these can be controlled via condition.
103. Subject to the above, the proposal is considered acceptable in respect of policies 29 of the County Durham Plan and part 12 of the NPPF.

Landscape/Impact on Trees

104. Policy 6 of the CDP sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement.
105. Policy 39 of the County Durham Plan states proposals for new development will 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.

106. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
107. The site lies just outside an Area of Higher Landscape Value, which lies immediately to the north and east. It lies in open countryside, on the southeast edge of the village of Wheatley Hill, between the A181 Durham Road to the south and Wingate Lane to the north and forms the gateway to the village.
108. Whilst the site forms part of the existing service station, its character and appearance, particularly the eastern part of the site has a rural dimension and is more in keeping with the surrounding countryside than the urban built form of Wheatley Hill and includes some tree and hedge cover around its periphery which are important to the landscape character but also in providing screening to the existing development.
109. Visibility is largely restricted to the immediate environs of the site which include, Wingate Lane to the north, the A181 and footway to the south where, albeit with seasonal variation in the quality of screening, the mature vegetation around the site largely filters or screens the site with the exception of the roadside frontage, though its roof structure and the upper canopy of the filling station are visible from beyond the site.
110. The demolition and removal of all existing structures and the redevelopment of the site would result in the removal of hedgerow along the site frontage which will increase visibility into the site from the south along the A181 and footway, which with the intensification of the use, increase in built form and ancillary low level clutter including increased parked vehicles and increase in lighting, would serve to further urbanise the site in a manner which would be incongruous within the undeveloped rural nature of this part of the A181. These effects are however largely restricted to the A181 and with the proposed canopy of the forecourt approximately 2.7m lower in height than existing and consequently less visible. Whilst there will be glimpsed and filtered views of the development particularly during winter months from the other public vantage points, the changes will be less pronounced.
111. The effects from the A181 would be reduced over time by the proposed landscaping which would help integrate the proposals with the surrounding area however, at the time of development and for several years afterwards (the length of time depending on the quality and performance of the planting) the development would remain notable.
112. It was considered therefore, that whilst harm to the landscape would occur that this can be adequately mitigated against through the addition of a robust landscaping scheme particularly along the roadside frontage. Further information has been received and the landscaping scheme submitted is considered acceptable and will form an approved document.
113. Therefore, subject a condition to ensure the recommendations of the Arboricultural Report are adhered to and for the agreed landscaping scheme to be implemented, the proposal would be considered acceptable in respect of policy 39 and 40 of the CDP and part 15 of the NPPF.

114. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
115. The application has been assessed by both the Council's Land Contamination Officer and the Environment Agency. They both raise no objection to the scheme based on the contamination reports submitted subject to the inclusion of conditions relating to unforeseen contamination and remediation strategies.
116. The remediation strategy is required as a result of recent site investigations which have been carried out on the site. Normally informatives are added with regards to unforeseen contamination however in this instance it is considered that a condition should be added given there is a risk of unidentified contamination within the immediate vicinity of the existing tanks, which may be identified only during their removal.
117. The proposal subject to conditions is therefore, considered acceptable in respect of contaminated land issues in respect of policy 32 of the CDP.

Drainage

118. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
119. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
120. Information has been submitted in the form of a drainage strategy and calculations has been checked by the Local Lead Flood Authority (LLFA) and they have confirmed that they would accept the information that has been provided with 5 l/s being the closest to QBAR that could be achieved by either re-arranging the site or utilising other areas for underground storage.
121. Whilst it is acknowledged that a drainage strategy has been provided for site operation, it is also considered that a construction environmental management plan

should be provided and it is considered that this can be controlled via a pre-commencement condition.

122. Further details of the underground storage tanks are also required to ensure there is no risk to groundwater. The Environment Agency are confident from information submitted to date that it will be possible for the developers to suitably manage the risks posed to groundwater resources by this development.
123. However, the information provided confirms proposed rather than confirmed tank and pipework details, therefore, clarification will need to be provided, before any development is undertaken, of the final fuel system specification(s) and it is considered that this can be carried out as a pre-commencement condition.
124. The proposal, therefore, is considered acceptable in respect of policy 35 and 36 of the County Durham Plan.

Ecology

125. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
126. A Biodiversity Impact Assessment report has been received and confirms that the proposed development should achieve a biodiversity net gain of 185.72% for area habitats and a gain of 49.38% for hedgerow habitat.
127. The Council's Ecology Officer have confirmed that Trading Rules have not been met due to the loss of medium distinctiveness habitats (other neutral grassland and blackthorn scrub).
128. Trading rules are an important element of the metric. These rules dictate the type of habitats that can be used to replace existing habitats that are proposed for removal. These rules prevent the replacement of high value habitats with low value habitats. For example, it would not be possible to replace woodland with a well-managed lawn.
129. However, in this instance it is considered that these areas are small and the landscaping proposals detail the creation of more species rich habitats that should achieve a sizeable net gain of 185%. Given this, it is considered that the significant net gain outweighs the harm from non compliance with the Trading Rules in this instance. .
130. The report states that a Landscape and Ecological Management Plan will be produced to detail how the created habitats will be managed for the next 30 years. It is considered that this can be controlled through a pre-commencement condition.
131. Subject to the above, the proposal therefore, is considered acceptable from an ecology viewpoint in accordance with policy 41 of the County Durham Plan and part 15 of the NPPF.

132. 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.
133. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

134. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements and is acceptable in principle subject to conditions, in that it would not have an unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water, landscape and contaminated land in accordance with policies 6, 9, 10, 21, 29, 31, 32, 35, 36, 39 and 41 of the County Durham Plan and Parts 9, 12, 14, 15 and 16 of the NPPF.
135. A number of public comments have been received and have been considered as part of the assessment above. In particular concern has been raised over highway issues on the site due to the closure of the rear access and the creation of new access/exits within close proximity to the entrance to Wheatley Hill. Whilst the highways officer has acknowledged that by closing the rear access onto Wingate Lane this will inevitably increase the movements at the exit onto the A181, the separation of entrance and exit ensures that the exit does not exceed capacity for the layout. As such the closure of the rear access does not constitute a severe road safety risk and a refusal of the scheme on highway safety grounds would not be warranted under NPPF paragraph 111.
136. The application is therefore, recommended for approval subject to the conditions set out below.

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.

Plan	Drawing No.	Date Received
Typical Underground Storage Tank Details	220230-PLNG17	18/10/23
Proposed Site Block Plan	220230-PLNG6A	01/09/23
Proposed Site Plan - Sheet 1	220230-PLNG7A	01/09/23
Proposed Site Plan - Sheet 2	220230-PLNG8A	01/09/23
Proposed Surfacing Site Plan	220230-PLNG9A	01/09/23
Tracking Site Plan	220230-PLNG10A	01/09/23
Proposed Site Elevations - Sheet 1	220230-PLNG11A	01/09/23
Proposed Site Elevations - Sheet 2	220230-PLNG12A	01/09/23
Landscape Layout	5071-01C	01/09/23
Proposed Drainage Strategy	22281-DCE-XX-XX-D-C-	25/07/23
Lighting Documentation	100	20/04/23
Drainage Strategy and Calculations		25/07/23
Illuminance Plan		20/04/23
Building Layout and Roof Plan		20/04/23
Proposed Impermeable Area	220230-PLNG13	20/04/23
Building Elevations Sheet 1	22281-DCE-XX-XX-D-C-	20/04/23
Jet Wash Plan Elevations	103	20/04/23
Surface Water Catchment Areas	220230-PLNG14	20/04/23
Building Elevations Sheet 2	220230-PLNG16	20/04/23
Fuel Strategy and Engineering Proposal	22281-DCE-XX-XX-D-C-	18/10/23
Biodiversity Impact Assessment	104	01/09/23
Drainage Strategy	220230-PLNG15	25/07/23
Drainage Strategy and Calculations		25/07/23
Technical Note Accident and Visibility		25/07/23
Travel Plan		20/04/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 10, 9, 21, 29, 31, 39, 40, 41 and 43 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

3. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site 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.

4. Prior to commencement of the development a Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMMP shall demonstrate how the specific on-site

Biodiversity Net Gain units that are to be created on site (as detailed within the Biodiversity Net Gain Assessment report) will be achieved, managed and maintained on site, and will include a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. The works shall be carried out strictly in accordance with this Plan and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the Net Gain can be satisfactorily achieved.

5. Prior to the commencement of the development hereby approved final design details of the revised protected right turning lane contained in the "Technical Note - Access and Visibility" being in accordance with DMRB CD123 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF. Required to pre-commencement to ensure that highway safety can be satisfactorily achieved.

6. No development shall commence until a Construction Surface Water Management Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The plan should include, but not limited to, the following:

- Treatment and removal of suspended solids from surface water run-off during construction works;
- Approach to ensure no sewage pollution or misconnections;
- Approach to ensure water mains are not damaged during construction works;
- Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill;
- Due to the nature of the site and presence of contaminated land, construction runoff is likely to contain hazardous chemicals and elements. A scheme is required to manage the associated risks, and minimise mobilisation of hydrocarbons, heavy metals, and any other hazardous pollutants into the water environment during construction and site operation.

Reasons: In the interests of the management and prevention of flooding and water contamination in accordance with Part 14 of the NPPF. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

7. No development shall commence until a final scheme to install the underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system.

The scheme shall be fully implemented and subsequently retained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the NPPF. Required to be pre commencement to ensure that the development can be carried out safely.

8. 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.

9. Prior to their installation, specification/material details of the canopy, bin store, sub-station, cycle shelter, boundary treatments and internal directional signage shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: In the interests of the amenity of the area in accordance with policy 29 of the County Durham Plan and Part 12 of the NPPF. Required to be pre-commencement to ensure the development has an acceptable impact upon the visual amenity of the area.

10. Prior to occupation of the scheme hereby approved details of 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

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

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

12. Prior to occupation of the development hereby approved, details of the works to reinstate with full height kerbs, footway construction and verge to DCC adoptable standards at the existing access onto Wingate Lane to the rear of the site and the existing access onto the A181 to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details and be complete prior to occupation of the development.

Reason: In the interests of highway and pedestrian safety in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.

13. 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.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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 and does not result in unacceptable levels of water pollution in accordance with Policy 32 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

15. 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 as shown within the Arboricultural Report prepared by DEP Landscape Architecture Job Number 5071 Dated March 2023 received 20 April 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.

16. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme drawing number 5071 01 Rev C 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.

17. The jet wash hereby approved shall only be used between the hours of 0700 to 2300 hours on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

18. The proposal shall be carried out in strict accordance with the Arboricultural Report prepared by DEP Landscape Architecture Job Number 5071 Dated March 2023 received 20 April 2023.

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.

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)

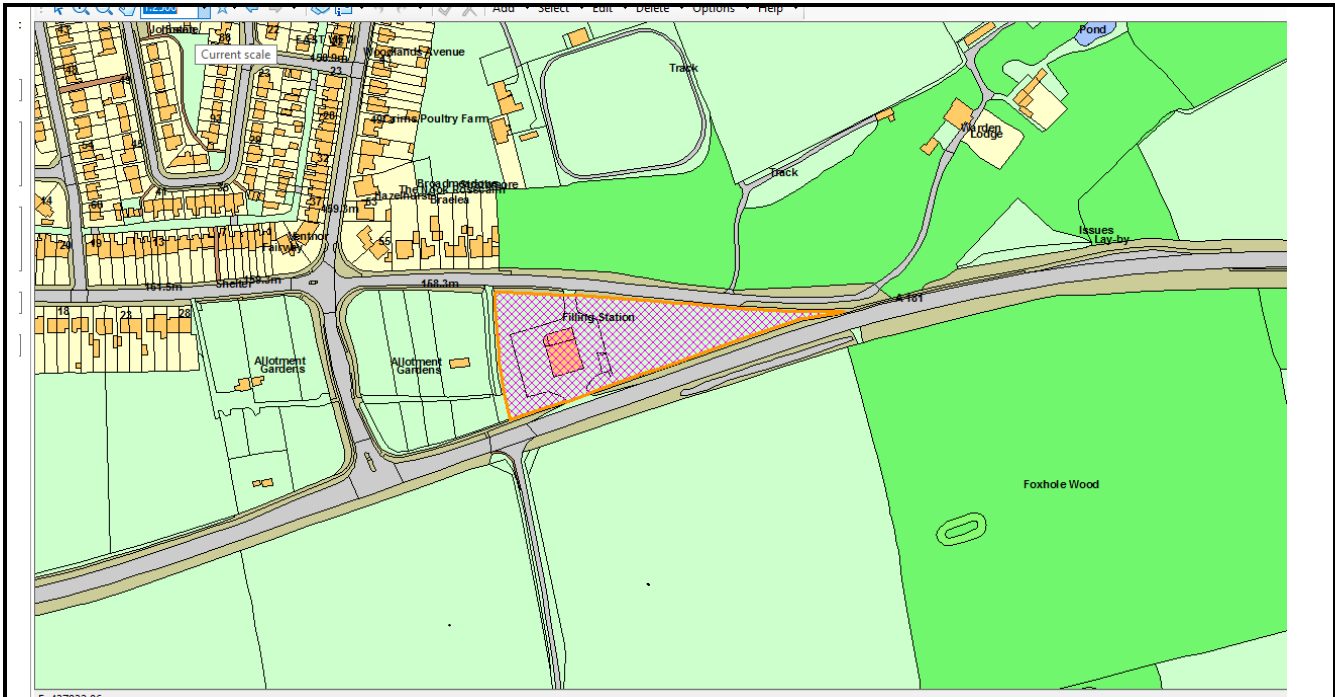
National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards Supplementary Planning Document

Parking and Accessibility Supplementary Planning Document 2023

Statutory, internal and public consultation responses



Planning Services

Demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping at Wheatley Service Station, Durham Road, Wheatley Hill, Durham, DH6 3LJ

Application Reference: DM/23/01107/FPA

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Date: November 2023

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