



Area Planning Committee (Central and East Durham)

Date Tuesday 13 December 2011
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 8 November 2011 (Pages 1 - 6)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/11/00811 Tanners Hall Farm, Stockley Lane, Willington (Pages 7 - 16)
Erection of 70 metre high wind turbine and associated meter housing and access track
 - b) 4/11/00776 Land North of 67 Front Street, Pity Me, Durham (Pages 17 - 28)
Erection of 1 No. dwelling house
 - c) 4/11/00789/FPA Former PPA Building, Green Lane, Durham (Pages 29 - 54)
Erection of student accommodation building comprising of 112 studio flats
 - d) 4/11/00748/FPA Plot 5N and Plot 5S Bishopgate, 48 North End, Durham (Pages 55 - 72)
Demolition of existing bungalow and erection of 2 no. dwelling houses
4. Appeals Update (Pages 73 - 74)
5. Decision Update (Pages 75 - 76)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

5 December 2011

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

Councillor C Walker (Chair)
Councillor P Taylor (Vice-Chair)

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown,
P Charlton, D Freeman, S Iveson, A Laing, R Liddle, J Moran,
J Robinson, K Thompson and B Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 8 November 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), J Bailey, J Blakey, G Bleasdale, J Brown, P Charlton, J Moran, A Naylor (substitute for A Laing) and K Thompson

Apologies:

Apologies for absence were received from Councillors A Bell, S Iveson, A Laing and J Robinson

Also Present:

A Dobie – Principal Planning Officer (Easington Area)
J Taylor – Principal Planning Officer (Durham Area)
A Glenwright - Highways Officer
N Carter - Solicitor

1 Minutes of the Last Meeting held on 11 October 2011

The minutes of the meeting held on 11 October 2011 were confirmed as a correct record by the committee and signed by the Chair.

2 Declarations of Interest, if any

Councillor J Blakey declared a personal but not prejudicial interest in application PL/5/2011/0378 Beaconside, Station Road South, Murton on the basis that she was a Member of the General Licensing and Registration Committee which considered licensing and registration functions relating to hackney carriage and private hire vehicles.

With the agreement of the Committee the order of business on the Agenda was amended to allow those applications with registered speakers to be considered first.

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

3a PL/5/2011/0305 Hallfield Farm, Easington Erection of a Single Wind Turbine

Consideration was given to the report of the Principal Planning Officer (Easington Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

He advised that since the report had been prepared, advice had been received from the Legal Officer suggesting minor amendments to the wording of conditions numbered 4, 8, 9 and 10 and to the omission of condition 6.

In addition a further letter had been received from Easington Village Parish Council which reiterated their previous concerns as detailed in the Committee report. The letter also referred to an application for a wind turbine in respect of land north of Pesspool Lane which had been refused because of the cumulative impact of the wind turbine when viewed alongside operating turbines in the surrounding area. Due to the extent of the wind turbine development in the surrounding area the Parish Council considered that the proposed development would contribute to a significant and unacceptable visual impact on the locality.

Councillor D Boyes, Local Member considered that the proposal would affect the Conservation Areas of both Hawthorn and Easington Villages as the wind turbine would be clearly visible in both locations. The proposal would also constitute development in the countryside which was contrary to saved Easington District Local Plan policies.

He referred Members to a map which showed the number and location of turbines across the region and advised that a report produced by ANEC had concluded that the East Durham Plateau was now at capacity. The cumulative impact of wind turbines was having a real impact on the quality of life of local residents.

Mr J Ridgeon the applicant's agent stated that the ANEC report specifically related to wind farms and this application was for a single wind turbine to support the applicant's expanding business. An assessment of the landscape and visual impact had concluded that the area could accommodate a single wind turbine, and the Conservation Officer had stated that the scale and siting of the turbine would have no adverse impact on the setting of nearby listed buildings or Conservation Areas.

Mr Weightman, the applicant addressed the Committee and provided Members with a background to his local family business, details of which were set out in his statement in the report. He explained that in the last few years fuel prices had risen steeply and the wind turbine would help reduce energy costs, be sustainable and would also offset the carbon footprint of his business. The turbine would be sited as far as possible from all his neighbours to mitigate any visual impact.

Members discussed the application and the Principal Planning Officer responded to comments made. He advised that the majority of the power would be used by the farm business with the surplus electricity fed into the National Grid. A screening scheme would be difficult to implement and was not considered necessary because of the distance the wind turbine would be located from neighbouring properties.

Members were also advised that the saved District of Easington's Local Plan policies that related to development in the countryside were not specific to renewable energy proposals and the Planning Authority relied on National Planning Policy PPS 22.

RESOLVED

That the application be approved as detailed in the report, subject to the following:-

- (i) condition numbered 6 be omitted;
- (ii) delegated authority be granted to the Principal Planning Officer in consultation with the Legal Officer to make minor amendments to the wording of conditions numbered 4,8,9 and 10.

**3b PL/5/2011/0378 Beaconside, Station Road South, Murton
Retrospective Planning Permission for the Change of use of
Beaconside Farm from Mixed Use Residential/Equestrian and
Agriculture to Mixed Use Residential/Equestrian and Agriculture and
for the Parking of up to Three 4 Seater taxis and Two 8 Seater Taxis
used by Occupants of Beaconside Farm. Retention of Diesel Tank for
Refuelling of Occupants of Beaconside Farm's personal vehicles and
the 5 taxis proposed to be Parked at Beaconside Farm.**

Consideration was given to the report of the Principal Planning Officer (Easington Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting his report, the Principal Planning Officer advised that on the site visit Members had expressed concern about the close proximity of the bridleway to the children's play area. Signage to protect users of the bridleway had been proposed but it was suggested that if Members were minded to approve the application, further traffic calming measures be included and condition numbered 4 be amended accordingly.

Mr Button, an objector addressed the Committee on behalf of local residents.

He advised that residents were concerned about the increase in vehicle movements and speed of traffic on the estate. Larger vehicles had difficulty manoeuvring in and out of the property and bridleway, and residents were concerned for the safety of children playing both on the estate and in the play area.

The movements of the taxis and tankers in and out of the estate, together with the environmental impact of the vehicles were having an adverse effect upon their residential amenity. The character of their housing estate was changing from residential to industrial and the access road was not adequate for commercial vehicles.

Mr Moss, the applicant's agent explained that negotiations had taken place since the last application and he considered that this re-submitted application now represented a pragmatic solution to the issues, without having a detrimental effect on the applicant's business.

As there were 9 members of the family occupying the property a number of vehicles travelling to and from the premises was to be expected. The business did not operate from Beaconside Farm but from a property in Woods Terrace, and the application only sought to allow parking and refuelling of their own vehicles.

A Glenwright, Highways Officer was asked to respond to the highways issues raised. The 33 existing properties on Broadoaks were served by a carriageway which was 4.8 metres wide, and could accommodate up to 100 properties. The existing traffic calming controlled speeds on the estate but together with signage, proposals for additional measures on the bridleway adjacent to the children's play area were deemed to be acceptable.

With regard to the suggestion for a speed limit to be imposed on the whole estate he advised that DCC had no policy for introducing 20mph speed limit zones within residential estates and that such a proposal would normally only be investigated following complaints from members of the public, and currently none had been received by the Area 1 Traffic Manager.

In determining the application Members expressed their concerns about the safety of children using the play area adjacent to the bridleway but acknowledged that this could be mitigated with signage and additional traffic calming measures.

Members also took into account that the business did not operate from the property and that taxis would only travel to and from Beaconside Farm at the start and end of a shift.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to condition numbered 4 being amended to include additional traffic calming measures on the bridleway adjacent to the play area.

At this point Councillor K Thompson left the meeting.

**3c 4/11/00630 Taylormade Timber Ltd, Sherburn Hill, Durham
Extension of Sawmill Building, Extension of the Outside Storage Area,
New Road, Re-Siting of Log Grading Line and Bark Store and
Construction of Weighbridge**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site.

RESOLVED

That the application be approved subject to the conditions outlined in the report.

4 Appeal Update

**PLANNING REF: 11/00535/FPA
Site at Fernhill, Newcastle Road, Durham**

An appeal had been lodged against the Council's refusal for the erection of three dwellinghouses and would be dealt with via written representations.

**PLANNING REF: 11/00352/FPA
Site at Stoneacre, Sawmills Lane, Durham**

An appeal had been lodged on the grounds of non-determination for the change of use of land to sales and car parking associated with the car dealership.

The decision on the application would be made by the Planning Inspectorate.

RESOLVED

That the report, be noted.

5 PL/5/2010/0446 Easington Lea Farm West, Easington Colliery - Decision Update

A decision update was provided in relation to the planning application approved on 6 September 2011 for a plant machinery training centre at Easington Lea Farm West, Easington Colliery.

At the meeting the applicant had asked for extended operating hours and it was agreed that this would be investigated.

Following consideration, and having been advised by Planning Officers that there were likely to be some concerns about extended hours, the applicant had indicated that he wanted the application to be determined with the reported conditions attached.

RESOLVED

That the report, be noted.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00811
FULL APPLICATION DESCRIPTION:	Erection of 70 metre high wind turbine and associated meter housing and access track
NAME OF APPLICANT:	Mr A Layfield
ADDRESS:	Tanners Hall Farm, Stockley Lane, Willington, Crook County Durham
ELECTORAL DIVISION:	Brancepeth
CASE OFFICER:	Mrs Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes agricultural land which is part of the applicant's farm. The site lies approximately 200m to the northwest of the farmhouse and would be sited approximately 580m from the nearest neighbouring residential property. The landscape at the site is moderately level and exposed. To the north of the site is a corridor of mature woodland, to the east is agricultural land, to the south is the farmstead and to the west is agricultural land abutted by highway. The turbine has been sited to keep the creation of the new access track to a minimum.

The proposal

2. Planning permission is sought for the erection of 1 no. 70m high three blade wind turbine and creation of associated meter housing and access track at Tanners Hall Farm, Stockley Lane, Willington, Crook, County Durham. The proposed turbine would have a height of 70m to blade tip.
3. Existing road networks will be used to deliver the materials required for the turbine to be constructed. The proposed access to the turbine site is from the minor road known as Stockley Lane, and through the farm access track which is already in place. A new access track will be taken from the site entrance to the turbine base where a crane pad will be constructed. The new track will be 5m wide and constructed of stone aggregate.
4. This application is reported to committee at the request of a Durham County Council member.

PLANNING HISTORY

5. 4/11/00522 Erection of 64m high wind turbine, associated meter housing and access track Withdrawn 23/8/2011

PLANNING POLICY

NATIONAL POLICY

6. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
7. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overarching planning policies on the delivery of sustainable development through the Planning System.
8. *Planning Policy Statement 9: (PPS9) Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
9. *Planning Policy Statement 22: (PPS22) Renewable Energy* sets out Government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small-scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small-scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

REGIONAL PLANNING POLICY

10. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;
11. *Policy 3 – Climate Change* encourages the use of renewable energy sources.
12. *Policy 8 – Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

13. *Policy 39 – Renewable Energy Generation* requires at least 10% of the energy requirements of development proposals to be met by decentralised and renewable or low carbon sources.
14. *Policy 40 – Planning for Renewables* sets out the criteria by which renewable energy proposals shall be considered.

LOCAL PLAN POLICY:

15. *Policy U15 Energy Conservation – renewable Resources* – sets out the criteria by which renewable energy schemes shall be assessed.

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:

16. *The County Highway Authority* raises no objections as per the previously withdrawn application.

INTERNAL CONSULTEE RESPONSES:

17. *The County Ecologist* raises no objections
18. *The Landscape Section* states that the main concern with this application is the cumulative impact of turbines in the area. This is however a subjective matter. Due to the orientation of dwellings within Stanley Crook, and their tendency to screen each other, there would not generally be a significant impact on views from public areas within the village. The proposed turbine appears in the same view as some of the existing turbines, as shown in the photomontages. In addition, the proposed turbine would be a dominant feature in views from public footpaths immediately east of the village, while the Broom Hill turbines are already dominant features in views from paths to the north. Views from some points north and east of Stanley Crook would contain the Broom Hill turbines in one direction and the proposed turbine in the opposite direction. The approach to Stanley Crook from the north west, through Tow Law, is dominated by large wind turbines over a considerable distance. This proposal would extend the conspicuous presence of turbines to the other side of Stanley Crook.

PUBLIC RESPONSES:

19. One e-mail objecting to the development has been received making the following comments:
20. An additional turbine in the area would be detrimental to the character of the area.
21. Would be detrimental to views.
22. The photomontages make the area look as industrialised as possible.
23. Do not like the way in which the applicant is donating money to the community centre to gain support for the planning application.

APPLICANTS STATEMENT:

24. The applicant's statement is based on the submitted planning statement.
25. The landscape is considered to have low to medium sensitivity. The development would cause slight adverse change, as it will cause slight change to the existing landscape resources.
26. The impact of the development will be localised.
27. Any potential cumulative impacts from other existing and proposed wind farms in the 30km study area, are arbitrated by various factors including distance, localised screening by the intervening topography, vegetation, buildings and settlements.
28. It is anticipated that the turbine would be decommissioned after 25 years.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, visual impact on the landscape, impact on neighbouring properties, ecology and other matters.

Principle of the development

30. National planning policy applies a presumption in favour of the prudent use of natural resources. The proposed development would provide a valuable contribution to the renewable energy output and to meeting energy needs locally. The site is located within a rural area; PPS 22 recognises the importance of renewable energy creation in rural locations particularly in terms of its economic and social benefits, specifically but not inclusive to job creation, community pride, securing reliable power supply in rural areas, reducing energy costs and farm diversification.
31. Policies 3 and 39 of the North East of England RSS supports the increase of renewable energy capacity and policy 39 – Renewable Energy Generation aspires to increase renewable electricity generation to achieve 20% of regional consumption by 2020. Policy 40 encourages renewable energy proposals subject to the impact on the landscape and wildlife being acceptable. The proposal accords with PPS 22: Renewable Energy and the North East of England RSS policies 3, 39 and 40 in terms of the principle of development.
32. Local plan policy U15 supports development for the generation of energy from renewable resources provided there is no unacceptable adverse impacts on the landscape and openness of the green belt, nature conservation interests, the amenity of local residents or on the historic environment. These issues are addressed in detail below.

33. It is considered that the proposed development would be acceptable in principle in terms of national, regional and local planning policy.

Visual impact on the landscape

34. The issue of visual impact should be considered in terms of overbearing impact to neighbouring properties and in terms of whether or not the wind turbine would be detrimental to the appearance of the surrounding landscape. Given the distance of the wind turbine some 580 metres from the nearest neighbouring residential properties, it is considered that the wind turbine would not be unduly overbearing to occupiers of neighbouring properties. Due to the orientation of dwellings within Stanley Crook, and their tendency to screen each other, there would not generally be a significant impact on views from public areas within the village. The wind turbine would however be relatively prominent in views along the road when approaching Stanley Crook from Willington. However it is considered that the wind turbine would not appear incongruous in the landscape as it would be viewed against operational wind farms at Tow Law and Broomhill.

35. The landscape section has concerns as to the cumulative impacts of an additional wind turbine in the area. The siting of the turbine would extend the area in which wind turbines are present. The proposed development must be considered in relation to its setting. The submitted photomontages show the proposed wind turbine against the backdrop of operational wind farms at Tow Law and Broomhill. It is considered that the proposed wind turbine would have an impact on the landscape however it is considered that the cumulative impact of wind turbines in this part of County Durham would not be significantly detrimental to the quality of the landscape in accordance with policy U15 of the City of Durham Local Plan 2004.

36. It is considered that the proposed wind turbine would not be detrimental to the visual appearance of the area. The proposal is therefore in accordance with policy U15 of the City of Durham Local Plan 2004.

Impact on neighbouring properties

37. In terms of noise impact to neighbouring dwellings the proposed wind turbine has been designed to have minimal noise impact in the surrounding area of the application site. Planning Policy Statement 22: Renewable Energy (PPS 22) accompanying guidance advises that 'noise levels from turbines are generally low and under most operating conditions, it is likely turbine noise would be completely masked by wind generated background noise'. It is therefore considered that given the distance to neighbouring properties the likelihood of noise nuisance originating from a wind turbine the size and design of the turbine subject of this application, is relatively low provided that the turbine is maintained in accordance with the manufacturers specification. It is more likely that the noise it would make would be drowned out by existing sound within the environment surrounding the site. This is in accordance with policy U15 of the City of Durham Local Plan 2004 and PPS 22.

38. In relation to shadow flicker Planning Policy Statement 22: Renewable Energy (PPS 22) accompanying guidance advises that shadow flicker only affects properties within 130 degrees either side of north, relative to the turbines. There are neighbouring properties to the application site within this latitude however the turbine is sited at a significant distance from the properties to mitigate any shadow flicker as shadow flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore as the turbine has a blade diameter of 52 metres, the potential shadow

flicker effect could only be felt up to 520 metres from the proposed wind turbine. The nearest neighbouring property to the application site would be located 580 metres from the proposed wind turbine. The proposal accords with policy U15 of the City of Durham Local Plan 2004 and PPS 22.

Ecology

39. The presence of protected species such as bats is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
40. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.
41. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
42. Durham County Council's ecologist has raised no objections to the proposed development and has no concerns as to the impacts of the proposal on protected species. The proposed development would be in accordance with policy U15 of the City of Durham Local Plan 2004, PPS9 and the Habitats Directive.

Other issues

43. The applicant has informed the local planning authority that he has offered to donate £3000.00 per year to the Stanley Crook Community Centre as community benefit from the proposed wind turbine. Office of the Deputy prime minister (ODPM) Circular 05/05 states that planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a "betterment levy". In basic terms planning permission cannot be bought. Members are reminded that the applicants offer to the community must not be considered in deciding this application.

CONCLUSION

44. National and regional planning policy supports the prudent use of natural resources through the development of renewable energy systems. The proposed scheme would contribute to the renewable energy output and to local energy supply. This is in accordance with policy U15 of the City of Durham Local Plan 2004, the North East of England Plan – Regional Spatial Strategy to 2021 (RSS) and PPS 22.
45. The proposed wind turbine by reason of its siting, design, mass and scale would not have an adverse impact upon the appearance of the site or surrounding area. It would not appear over dominant within the landscape or to occupiers of neighbouring properties. This is In accordance with policy U15 of the City of Durham Local Plan 2004 and the North East of England Plan – Regional Spatial Strategy 2021 (RSS).
46. The proposed development would not create any adverse impacts for protected species. This is in accordance with PPS9.

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 following approved plans:

Plan Ref No.	Description	Date Received
SB1009/001/c	Site Location Plan	21/10/2011
SB1009/002/b	Site plan	6/10/2011
SB1009/005/b	Photomontage 1	6/10/2011
SB1009/006/b	Photomontage 2	6/10/2011
SB1009/007/b	Photomontage 3	6/10/2011
SB1009/008/b	Photomontage 4	6/10/2011
SB1009/009/b	Photomontage 5	6/10/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policy U15 of the City of Durham Local Plan.

3. If the wind generator hereby permitted ceases to operate for a continuous period of 12 months, a scheme for the decommissioning and removal of the wind turbine generator and any other ancillary equipment and structures relating solely to that generator, shall be submitted to and agreed in writing by the local planning authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its agreement in writing by the local planning authority.

REASONS FOR THE RECOMMENDATION

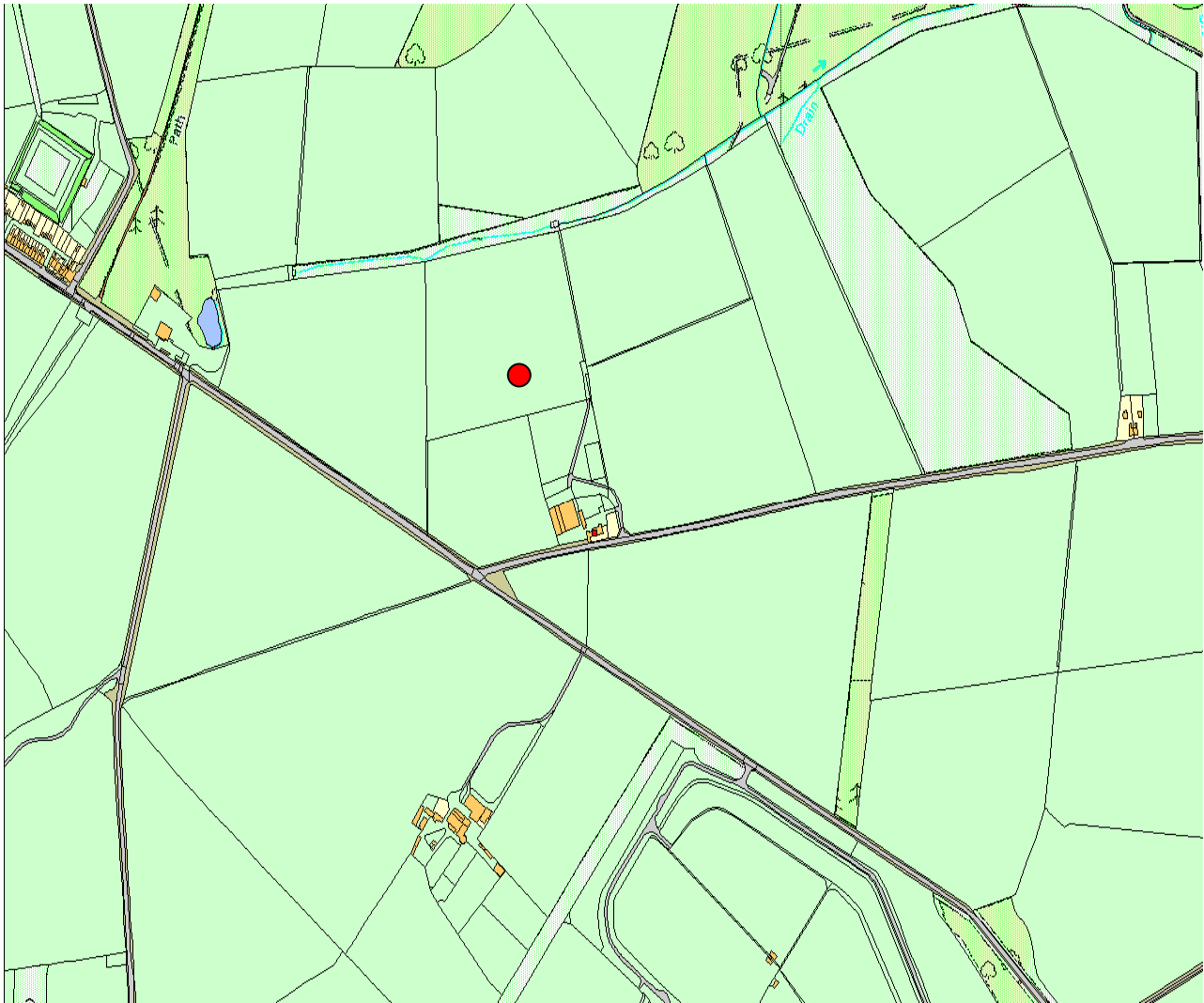
1. The proposed scheme accords with national and regional planning policy which supports the prudent use of natural resources through the development of renewable energy supplies. The proposed scheme would contribute to the renewable energy output and to local energy supply. This is in accordance with PPS1 and PPS22.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. The proposed wind turbine by reason of its siting, design, mass and scale would not have an adverse impact upon the appearance of the site or surrounding area. It would not appear over dominant within the landscape or to occupiers of neighbouring properties. This is in accordance with policy U15 of the City of Durham Local Plan 2004.
3. The impact on protected species would be acceptable. This is in accordance with the policy U15 of the City of Durham local Plan 2004, the Habitats Directive and PPS9.

BACKGROUND PAPERS

Application files
consultation responses
The City of Durham Local Plan 2004
Regional Spatial Strategy (RSS)
PPS1
PPS9
PPS22



Planning Services

Tanners Hall Farm, Stockley Lane, Willington,
Crook co Durham

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Comments

Erection of 70m high wind turbine and associated meter housing and access track

Date 13th December 2011

Scale 1:5000

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00776
FULL APPLICATION DESCRIPTION:	Erection of 1 no. Dwelling House
NAME OF APPLICANT:	Yuill Ltd
ADDRESS:	Land North of 67 Front Street, Pity Me, Durham
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Mrs Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes an area of land to the North of 67 Front Street, Pity Me. The land is within the limits of development for Durham City. The application site has an area of approximately 0.09 Hectares and is more or less rectangular in shape. It was a piece of land, which was left over from the Smithfield, Pity Me development site. The site slopes upwards significantly to the north, towards properties at Smithfield. The application site is not within any conservation area.
2. The site was originally heavily planted however the site was cleared of vegetation very recently. In the absence of a felling licence or any TPO status, when the mature trees were felled, The Forestry Commission decided not to prosecute. As a compromise a replanting scheme was agreed, this replanting scheme allowed for the future sacrifice of half the site for one house. The tree planting scheme has been implemented on the site however it is failing due to a lack of maintenance, it is completely covered by bindweed and other associated plants including bramble.
3. To the north of the site is mature tree planting which is protected by a Tree Preservation Order. To the west of the site is the busy Rotary Way roundabout. To the east of the site is housing at Smithfield and to the south of the site is the terrace of Front Street. Access to the site would be taken from Front Street, Pity Me.

The proposal

4. Planning permission is sought for the erection of 1 no. dwelling house at land to the north of 67 Front Street, Pity Me.
5. The dwelling would be a large detached property, of a contemporary design and would work with the levels on the site. The building would have three floors, but appears as a two-storey dwelling from the west and a single storey with roof accommodation to the east, due to the change in level of the site. The building would be brick built with a slate roof, to tie in with the local vernacular. The contemporary appearance of the dwelling is mainly created through the use of large areas of glazing and a non-traditional roof construction.

6. The development would provide parking for 4 vehicles, 2 in the double garage and 2 on the driveway.
7. The application is reported to committee at the request of the divisional Councillor for Framwellgate Moor.

PLANNING HISTORY

8. There has been no recent relevant planning history.

PLANNING POLICY

NATIONAL POLICY

9. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
10. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overarching planning policies on the delivery of sustainable development through the Planning System.
11. *Planning Policy Statement 3: (PPS3) Housing* sets out the delivery of the Government's national housing objectives. New housing should be directed to sites within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield). The PPS defines affordable housing and suggests proposals in excess of 15 dwellings should have an appropriate affordable housing commitment.
12. *Planning Policy Statement 9: (PPS9) Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
13. *Planning Policy Statement 22: (PPS22) Renewable Energy* sets out Government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small-scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small-scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

REGIONAL PLANNING POLICY

14. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;
15. *Policy 4 Sequential Approach to Development* provides the broad locational criteria for identifying development land giving preference to suitable previously developed sites within urban areas.
16. *Policy 8 Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
17. *Policy 38 Sustainable Construction* sets out the principles to support sustainable construction in planning proposals that minimise energy consumption and achieve high energy efficiency.
16. *Policy 39: Renewable Energy Generation* requires at least 10% of the energy requirements of development proposals to be met by decentralised and renewable or low carbon sources.

LOCAL PLAN POLICY:

17. *H2 New Housing in Durham City* supports the development of new housing within the settlement boundary of Durham City provided the development is in accordance with other local plan policies.
18. *Q1 General Principles – Designing for People* sets out the criteria which development should consider in relation to meeting the needs of users of the development.
19. *Q2 General Principles – Designing for Accessibility* sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
20. *Q8 Layout and Design* –sets out the requirements, which all new residential development should adhere to.
21. *H13 The Character of Residential Areas* seeks to protect the character, appearance and amenity of residential areas.
22. *E14 Existing Trees and Hedgerows* – In considering proposals affecting trees and hedgerows the Council will require development proposals to replace trees and hedgerows of value which are lost.
23. *T1 Highways – General Policy* considers traffic generation of new development and resists development, which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

24. *T10 Parking* – sets out the requirements for provision of off road parking in new residential development.
25. *U8A Disposal of Foul Water* – development proposals should include satisfactory arrangements for disposing foul and surface water discharges.

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:

26. *The County Highway Authority* No objections subject to suitable condition and informative.

INTERNAL CONSULTEE RESPONSES:

27. *The Councils Tree Officer* has stated that the scheme would be acceptable subject to suitable conditions.
28. *The Landscape Section* have stated that the scheme would be acceptable subject to suitable conditions.
29. Design and Conservation raise no objection, has suggested some design improvements, some of which have been incorporated into revised drawings.
30. The County Ecologist states that there is no significant ecological issues. Attach a suitable informative relating to breeding birds to any planning permission.

PUBLIC RESPONSES:

31. One e-mail objecting to the development has been received making the following comments:
32. The development would remove the ability to park in the turning head. The turning head should be extended further north and an agreement entered into between the applicant and the Council to allow parking in this area.
33. The application should be referred to the Council's ecologist due to concerns of Great Crested Newts and Bats in the area.

APPLICANTS STATEMENT:

34. The applicant's statement is based on the submitted planning statement.
35. The development would contribute to addressing the identified shortfall in housing in the City, specifically executive housing and would bring a vacant site into beneficial use.
36. The application offers an opportunity to create a focal building in a prominent location.

37. The design of the dwelling takes advantage of the aspect and topography of the site, working with the scale and proportions of the terraced houses next to which it is positioned.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, residential amenity, design, landscape and trees, ecology and highway safety

Principle of the development

39. The application site is located within the settlement limits for Durham City as identified by the City of Durham Local Plan 2004 proposals map. The site represents undeveloped land, which is located within a primarily residential area. Durham City is identified as an area where development will be directed to under local plan policy H2 'New Housing in Durham City' provided the development would not be in conflict with other local plan policies or any other designations. It is considered that the proposed development would be in accordance with policy H2 of the City of Durham Local Plan 2004.
40. National Planning Policy guidance applies a presumption in favour of securing sustainable housing development by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services and is located approximately 2 miles from Durham City Centre. The area is also serviced by good public transport links. Therefore the site is considered acceptable for residential development and generally conforms to PPS3 'Housing' and PPS1 'Delivering Sustainable Development'.
41. In terms of regional planning policy the North East Regional Spatial Strategy (RSS) policy 4 'The Sequential Approach to Development' emphasises that the underlying reason for the implementation of a sequential approach is to direct development to the most sustainable locations. The application site is considered to be located in a sustainable location in accordance with the North East Regional Spatial Strategy (RSS) and would meet the key principles of sustainable development.

Residential Amenity

42. Policy Q8 'Layout and Design – Residential Development' sets out the minimum privacy distances between dwellings. Window to window elevations should have a distance of 21 metres, window to blank two-storey elevations should have a distance of 13 metres and window to blank single storey elevations should have a distance of 6 metres.

43. The proposed development has been assessed against the above criteria and as such has been found to meet the minimum privacy distances set out by Policy H8 of the City of Durham Local Plan 2004.
44. The impact of the property on residential amenity to neighbouring properties is somewhat reduced by the change in levels to the rear of the site, as the land rises sharply towards Smithfield. Due to the change in levels between the site and properties to the rear of the site approximately 6.077 metres of the dwelling will be visible from properties to the rear of the site.
45. It is anticipated that when the on site landscaping becomes established the impacts of the development to neighbouring residential properties shall be further reduced.
46. The proposed development would provide approximately 110m² of private amenity space, by means of an enclosed side garden and a patio area to the rear. This is considered to be an adequate amount of private amenity space for a dwelling of this size in accordance with policy Q8 of the City of Durham Local Plan 2004.

Design

47. The proposed development constitutes a contemporary styled dwelling house. The development would incorporate construction materials including Durham brick and slate to reflect the local vernacular. The site is not in a conservation area, nor is it in an area of significant architectural merit but is very prominent orientated towards the A167 roundabout.
48. The development takes advantage of the aspect and topography of the site, working with the scale and proportions of the terraced housing next to which it is positioned. The building has three floors, but appears as a two-storey dwelling from the west and a single storey with roof accommodation to the east, due to the change in level of the site.
49. The design has two elements, which make up the mass of the building. Initially the roofline of the adjacent terrace is continued, before presenting a gable front to Front Street representing a conclusion to the built form on Front Street.
50. Double height glazing is used to give vertical emphasis to the entrance area and encourage maximum daylight into the circulation space. Slate roofs and brick to match that of Front Street are the proposed construction materials chosen to adhere to the local vernacular.
51. The development would appear very prominent from the A167 roundabout and from the approach to this roundabout. The prominence of the development would be accentuated by the fact that the proposed dwelling house is of a design which would be somewhat unique to the area. The proposal is however of a scale which would be compatible with the site and the area and has been designed to incorporate local building materials. It is considered that the proposed design would not be significantly detrimental to the visual appearance of the area in accordance with policy Q8 of the City of Durham Local Plan 2004.
52. The proposed design albeit modern is considered to be acceptable in this location in accordance with policies Q1, Q2 and H13 of the City of Durham Local Plan 2004.

Landscape and Trees

53. The existing tree planting on the site has been found to be failing due to lack of maintenance, this recent planting is covered by bindweed and other associated plants including bramble. It is considered that the present landscape scheme is not contributing to the amenity value of the landscape. The development of the site offers an opportunity to bring forward a more suitable landscaping scheme replacing the existing trees with larger suitable native species such as 18-20 cm girth trees. These trees would provide the area with an immediate impact rather than what is present, currently hidden amongst the undergrowth.
54. The submission of a suitable landscaping scheme shall be a condition of any planning permission. The landscaping scheme shall be informed by the recommendations of the Council's specialist tree and landscape officers.
55. It is considered that the proposed development would be in accordance with policy E14 of the City of Durham Local Plan 2004.

Ecology

56. The presence of protected species such as bats and Great Crested newts is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
57. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
 - the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.
58. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
59. Concerns have been raised by a local resident in relation to the impact of the development on protected species, in particular bats and Great Crested Newts. Durham County Council's ecologist has considered the proposal and has stated that the proposed development would not create any significant adverse impacts to protected species.

60. The proposed development would be in accordance with PPS9.

Highway Safety

61. Durham County Council's Highways Engineer has assessed the scheme and has raised no objection subject to a planning condition stating that the garage doors shall be at least 5 metres from the highway boundary of the proposed vehicular access thereto. The garage doors shall be of a type which on opening and closing do not project forward of the building line to ensure that vehicles can park up to the building and therefore not extend onto the footway on Front Street. In addition the proposed vehicular crossing of the highway will be constructed in accordance with S.184(3) of the highways Act 1980. The highways condition and informative shall somewhat address the highways issues raised by the objector, by avoiding the creation of additional off street parking at the top of Front Street.

62. The proposed development is considered to be acceptable in terms of access and parking in accordance with policies T1 and T10 of the City of Durham local Plan 2004.

CONCLUSION

63. The proposed development would be sited within the limits to development for Durham City. New development is directed to those areas best able to support it in terms of access to facilities and services and public transport links. The site is considered to be in a sustainable location, where new development is directed. The proposal is therefore considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan 2004, PPS1, PPS3 and PPS22.

64. The proposed development would not be detrimental to the amenity of neighbouring properties in accordance with policy Q8 of the City of Durham Local Plan 2004.

65. The proposed new dwelling house would be of a modern design not entirely typical of housing found in Pity Me, however it is considered that the development would be of a good quality design and would contribute to the housing mix in the area and would bring about improved landscaping on the site. In accordance with policies H13, Q1, Q2 and E14 of the City of Durham Local Plan 2004.

66. The development would not cause any significant detrimental impacts to protected species in accordance with the Habitats Directive and PPS9.

67. The proposal would be acceptable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

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 following approved plans:

Plan Ref No.	Description	Date Received
150:02	Site Location Plan	4/10/2011
150:01	Site plan	4/10/2011
100:06	Proposed south and east elevations	25/11/2011
100:04	Proposed north elevaton	25/11/2011
100:05	Proposed west elevation and street	25/11/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policy Q8 of the City of Durham Local Plan.

3. Notwithstanding any details submitted with the application the hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In the interests of the visual amenity of the area and to comply with policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing and hardstanding materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q8 of the City of Durham Local Plan.

5. Notwithstanding any details submitted with the application prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.

6. Notwithstanding any details submitted with the application prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q8 of the City of Durham Local Plan.

7. Notwithstanding the provisions of Article 3 and Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.

Reason: To achieve a satisfactory standard of development. In accordance with policy Q8 of the City of Durham Local Plan 2004.

8. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the local planning authority prior to the removal of vegetation during the bird breeding season

Reason: To conserve protected species and their habitat in accordance with PPS9.

9. The garage doors shall be at least 5 metres from the highway boundary of the proposed vehicular access thereto. The garage doors shall be of a type which on opening and closing do not project forward of the building line to ensure that vehicles can park up to the building and therefore not extend onto the footway on Front Street.

Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

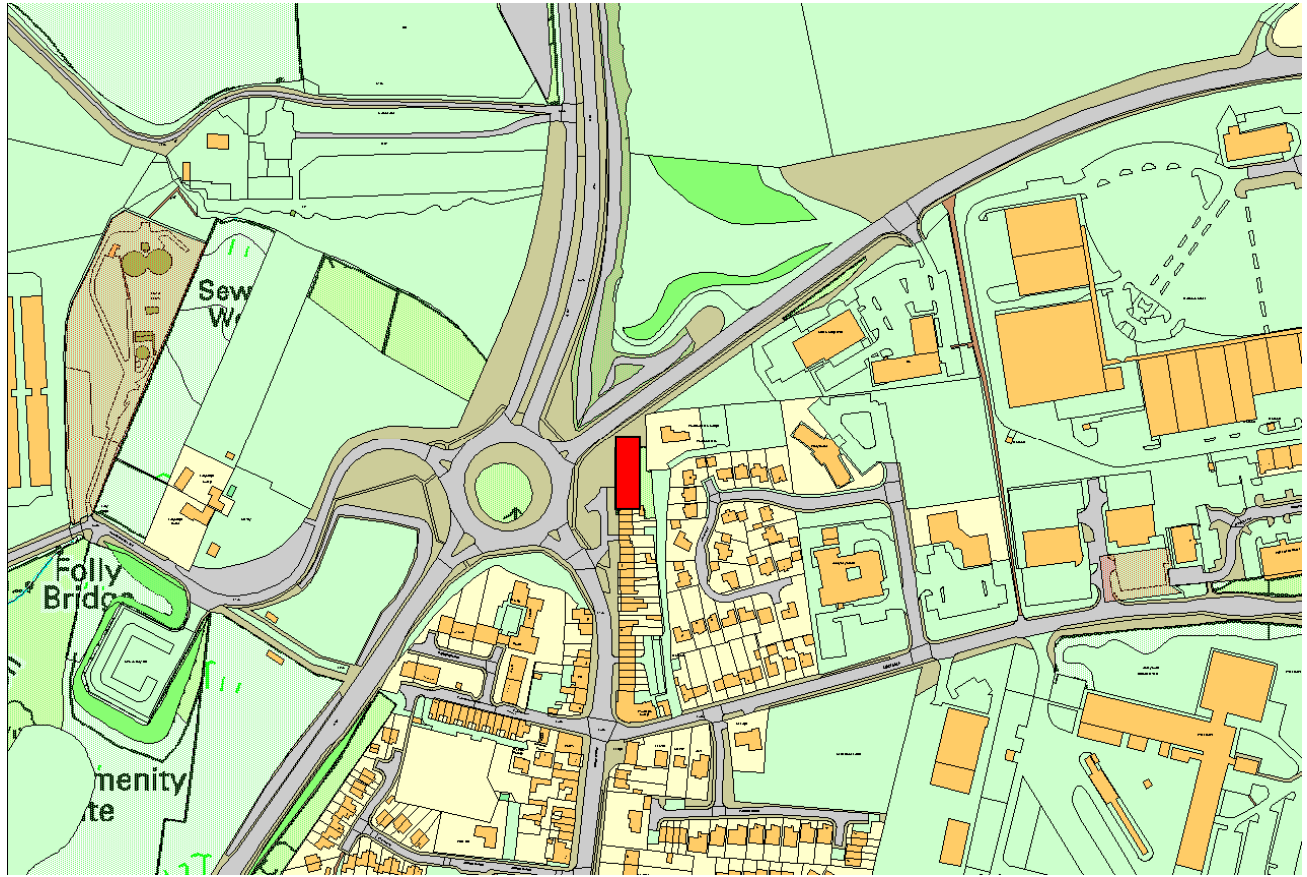
1. The proposed development is considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan 2004, PPS1, PPS3 and PPS22.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. The development was considered to be acceptable in terms of its siting, design and layout and its resultant impacts on the amenity of neighbouring properties in accordance with policies Q1, Q2, Q8 and H13 of the City of Durham Local Plan 2004.
3. The proposed development would not cause any significant detrimental impacts to protected species in accordance with PPS9.
4. The development was considered to be acceptable in terms of its impact on landscape and trees in accordance with policy E14 of the City of Durham Local Plan 2004.
5. The proposal would be suitable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Application files
consultation responses
The City of Durham Local Plan 2004
Regional Spatial Strategy (RSS)
PPS1
PPS3
PPS9
PPS22.



Planning Services

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Land North of 67 Front Street Pity Me Durham

Comments

Erection of 1 no. dwelling house

Date 13th December 2011

Scale 1:2500

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00789/FPA
FULL APPLICATION DESCRIPTION:	Erection of student accommodation building comprising of 112 studio flats
NAME OF APPLICANT:	New Connislow Ltd
ADDRESS:	Former PPA Building Green Lane Durham County Durham
ELECTORAL DIVISION:	Elvet
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the former Durham Prescription Pricing Agency (PPA) building located on Green Lane, Durham. The site lies within the Durham City Centre Conservation Area and is within close proximity to the settlement boundary of the City where “fingers” of Green Belt land penetrate close to the City’s core. The main shopping and commercial centre of Durham City is within easy walking distance. Equally Green Lane is within close proximity to residential areas notably Whinney Hill located to its south, an area with a high student population.
2. Green Lane contains a mixture of uses, to the east of the site lay offices, to the west a recent development of residential apartments. To the south of the site lies purpose built student accommodation. On the opposite side of Green Lane, to the north is Durham Cricket Club and beyond this the River Wear and the intervening land forms a large open aspect of green space to the north of the application site.
3. The application site itself comprises the two storey PPA building and its associated hardsurface curtilage. The building is understood to have been erected in 1971 and is not considered to exhibit any particular architectural merit. Trees are located on the southern and eastern periphery of the site.

The Proposal

4. This application seeks planning permission for the erection of a building housing 112 studio flats for student occupation, replacing the existing PPA building. The accommodation is set across a total of 4 floors. The ground floor contains reception and office space, staff tearoom, WC and communal facilities in the form of common

room space and laundry room. The submitted design and access statement states that the studios will be marketed for post graduate and foreign students.

5. The proposed studios have two forms with a mixture of 18m² and 23m² spaces within the proposed building. Each flat would contain ¾ sized bed, en-suite, kitchenette and eating space.
6. The building itself is a total of 4 storeys high with a maximum height of 11.55 metres. The fourth storey is recessed from the front building line and the building cascades and varies in height with single, two, three and four storey elements at different points. The design of the building is contemporary incorporating flat roofs projecting and recessed elements and a mixed materials palette is proposed with feature colour elements. However, there is reference to the traditional architecture prevalent in Durham with the use of brick, deeply revealed windows and verticality to fenestration detailing.
7. The proposed building has been designed in a horse shoe shape manner with a courtyard space towards the centre of the site providing 4 no. parking spaces and some landscaping and amenity space. Access is taken from the north-west corner of the site direct to Green Lane with a further parking space to the frontage of the building. Towards the rear of the site a cycle store is proposed.
8. This application is a resubmission of a previously withdrawn scheme. The proposed development has seen a reduction from the previously proposed 132 studio scheme to 112 studios.
9. The application is being presented to Committee due to being a major development.

PLANNING HISTORY

10. In 2005 planning permission was granted for the change of use of the offices (Class B1) to health centre (Class D1) and offices with associated external alterations and erection of single storey rear extension.
11. In August 2011 conditional conservation area consent was granted for the demolition of the existing PPA building though demolition cannot occur unless planning permission is granted for a redevelopment scheme.
12. An application for the erection of a five storey student accommodation building housing 132 studios was withdrawn prior to hearing at Committee in September following an officer recommendation for refusal on the grounds of harm to residential and visual amenity.

PLANNING POLICY

NATIONAL POLICY

13. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the

Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

14. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
15. *Planning Policy Statement 3 (PPS3): Housing* - underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
16. *Planning Policy Statement 5 (PPS5): Planning for the Historic Environment* replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
17. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
18. *Planning Policy Guidance Note 13 (PPG13): Transport* - seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
19. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
20. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* - sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.
21. *Planning Policy Statement (PPS25): Development and Flood Risk* explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.
22. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.
23. The PPS says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on

flood issues and that developers should fund flood defences, where they are required because of the development.

REGIONAL PLANNING POLICY

24. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
25. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
26. *Policy 1 - North East Renaissance* seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.
27. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
28. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
29. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
30. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
31. *Policy 14 - Supporting Further and Higher Education* states that the role of universities and colleges in the regional economy should be supported including with regards to infrastructure and campuses.
32. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
33. *Policy 32 - Historic Environment* requires planning proposals to conserve and enhance the historic environment.
34. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.

35. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

36. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
37. *Policy E6 - Durham City Centre Conservation Area* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
38. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
39. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
40. *Policy E22 - Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
41. *Policy E24 – Ancient Monuments and Archaeological Remains* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
42. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
43. *Policy H16 - Residential Institutions and Student Halls of Residence* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

44. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
45. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
46. *Policy T20 -Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
47. *Policy Q5 – Landscaping - General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
48. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
49. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
50. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
51. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

52. *The Highway Authority* raise no objections with regards to highway safety, however, it is considered that the proposed 20. No cycle spaces should be increased to 32.
53. *Northumbrian Water* have raised no objections to the development.

INTERNAL CONSULTEE RESPONSES:

54. *The Councils Senior Low Carbon Officer* has stated that the submitted sustainability statement does not incorporate all details and figures to demonstrate that the necessary 10% energy reduction could be produced through the use of an air source heat pump system.

55. *Ecology* have stated that the mitigation measures in the submitted bat report be conditioned including that no works commence until a Natural England license is acquired and all works comply with that license. The proposed roost location and lighting should be as detailed in the bat report and shown on plan.
56. *The Councils Senior Tree Officer* considers that the submitted arboricultural report has been well presented by a competent person. Three trees are understood to be removed, a dead whitebeam, declining whitbeam and a common sycamore suffering from decay and no objections are raised to their loss. The remaining trees on site should be appropriately protected.
57. *Environmental Health* have commented on the application and stated that there is the potential for noise to occur during the development, conditions are therefore recommended for attachment with regards to construction hours and recommendations are made that plant used on site should accord with BS5228 Noise and Vibration Control on Construction and Open Sites. A condition is also recommended that a dust assessment method of control be submitted to the Local Planning Authority.
58. *Design and Conservation* have commented on the application and consider that the proposal has sought to address objections to the previously submitted scheme through a reduction in height and incorporation of an undulating building envelope to reduce massing and scale. Although the use of white render and darker shades provides a clear and crisp elevational treatment it is considered that the white render will be extremely visible and prominent in the street scene and distant views. Reservations are also raised that there is insufficient “breathable space” around the building which is particularly important taking into consideration the fairly green and leafy feeling of the street. The proposed landscaping scheme is also seen as crucial and it would be beneficial if the access road into the site could be narrowed so as to allow additional landscaping.
59. *Landscape* have commented on the submitted landscape plan and some revisions are proposed due to the considered unsuitability of some of the planting proposed, the loss of the large tree to rear boundary is accepted but should be replaced with a semi-mature tree, details are required with regards to root protection and the proposed reinforced grass system for parking area.
60. *Archaeology* raise no objections to the proposed development.

PUBLIC RESPONSES:

61. One letter of support and six letters of objection have been received with regards to the scheme.
62. The letter of support considers that as the site is not within an established residential area the development will potentially revitalise parts of the City Centre attracting families rather than further students. Support is given to the University and its students who bring great advantages to the City, however, it is felt that they should live in halls not family homes.
63. Elvet Residents Association consider that the latest plans are an improvement upon the scheme due to its reduction in size. However, it is considered that the development should incorporate a pitched roof which would be more appropriate in the context of the World Heritage Site. In addition there is considered to be inadequate parking provision.

64. The City of Durham Trust considers the site suitable for students in principle. However, the design, scale and massing is considered inappropriate with the proposal failing to respect its context seeking to make a statement rather than conform to the street scene. Concern is also raised by trustees with regards to the level of parking provision.
65. Objection is raised from the developers/owners of the adjacent residential flats, River Court. The character of the area is considered to be mainly office use. The student halls of residence to the rear of the site is university owned and a gated residence, as a result students do not mix with residents within River Court. This proposed development would result in a direct mix between the students and residents within River Court and this is considered to cause a detrimental impact upon the amenity of residents in River Court through noise and disturbance. The comings and goings, proximity of parking, cycle storage and outdoor seating areas all considered unacceptable. The presence of any management within the building is not considered to remove this harm. The site is therefore considered wholly inappropriate for student occupation.
66. Further detailed points of objection are raised with regards to harm upon residential amenity. In terms of overlooking, the distance between the habitable rooms within the proposed development and those of River Court are considered to be around 18m which is less than the 21m required by Local Plan Policy Q8. In addition it is considered common practice that the distances between properties greater than two storeys are required to be greater. The scale and mass of the proposed building is considered to cause an oppressive outlook from the windows and balconies within the east elevation of River Court. The impact of the proposed building will be greater than the existing building, it being materially larger and bulkier. The proposed layout, scale and massing of the building coupled with its orientation will lead to overshadowing upon River Court at certain times of the day.
67. The building is considered to be of a size, scale and appearance incongruous to the streetscene and wider area.
68. The proposed parking provision of 5 spaces is considered inadequate taking into consideration the number of studios and the proposed mature student and postgraduate occupation.
69. Overdevelopment was considered to be a major factor when the River Court was being considered by the Local Planning Authority and the development had to be reduced in scale. It is considered that the same approach and principles must be applied to this proposal.
70. A copy of the letter of objection to the previously withdrawn application is also attached and the objector states that points raised within this letter apply to this proposal. Within this letter of objection, the demand for the development is questioned and if unsuccessful the property will turn to into private rented bedsits. Light spillage from the development needs to be considered, great effort was made within the River Court development to reduce the impact of light spillage. The development is considered to provide inadequate outdoor amenity space.
71. The MP has objected to the application. The site is considered suitable for student occupation and some improvement is considered to have been made from the previously submitted scheme. However, objection is raised to the design and scale of the development and the parking arrangements are considered inadequate.

72. Whinney Hill Community Group have responded to the consultation exercise and have submitted a detailed and lengthy letter of objection. The main points raised are that the purpose built accommodation will not ease pressure on housing areas with large numbers of students, instead the opposite may occur and exacerbate existing problems, support for such a view can be found within the statements of the National HMO Lobby. The concentration of HMOs and student households has eroded housing supply and led to a loss of community, caused noise and disturbance and a feeling of isolation in the permanent residents. This development would contribute to these problems.
73. Objection is raised with regards to the levels of parking provision and impact upon highway safety. The development will prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver. Whinney Hill Community Group also raise objection to the scale and design of the proposed development and its harm upon the landscape.
74. The development is considered to be contrary to fundamental aims of the Local Plan namely sustainable development and creating sustainable communities. It is considered that the site should be utilised for office accommodation, affordable housing or social housing with some limited student accommodation.
75. The remaining letter of objection from a local resident reiterates concerns over parking provision and highway safety and the scale of the development.

APPLICANTS STATEMENT:

76. The application has been accompanied by a design and access statement in support of the proposal. The submitted statement considers that there is demand for purpose built student accommodation in Durham with research finding a shortfall of some 2,000 beds. This proposal seeks to create a “collegiate” style development. The number of studios proposed is linked to the viability of the site and land values within Durham City.
77. The overall height of the building has been reduced from the previously withdrawn scheme and the top storey is recessed from the street frontage to ease impact.
78. The design is contemporary but efforts have been made to assimilate into Durham’s traditional architecture with vertically proportioned windows and use of traditional materials. The development proposes a landscaping scheme with strongly defined frontage and heavy planting. The proposal has been developed with sustainability and energy efficiency in mind and aims to achieve an “excellent” BREEAM rating.
79. The applicant states that students will be discouraged from using cars. Access and parking proposals have been discussed with the Highway Authority. The site has good access to pedestrian and cycle routes.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

[HTTP://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_SEARCHRESULTS.ASP](http://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_SEARCHRESULTS.ASP)
[X](#)

PLANNING CONSIDERATIONS AND ASSESSMENT

80. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon the character and appearance of the area, impact upon the World Heritage Site, impact upon the amenity of nearby occupiers, highway safety and protected species.

Principle of the Development

81. This application proposes the erection of purpose built student accommodation with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land close to Durham City Centre. The proposal therefore seeks development which accords with the sequential approach to development as sought by Policy 4 of the RSS and demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of PPS1 and the forthcoming National Planning Policy Framework in supporting sustainable economic growth.
82. Some public objection to the proposal relates to the principle of purpose built student accommodation being proposed in this location although other public responses consider the location suitable in principle. The Whinney Hill Community Group consider that the application is contrary to fundamentals of the Local Plan namely sustainable development and creating sustainable communities
83. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
84. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
85. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application.
86. Taking into account the location and nature of the site, previously developed land within a central location in Durham City with good access to services and transport links, officers raise no objection to the principle of the land use. The issues surrounding a purpose built development for students and impact on the community and numbers of students in the area are discussed within the “residential amenity” section of this report commencing at paragraph 105.

Impact upon Visual Amenity and the Character and Appearance of the Conservation Area

87. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of the Durham City Centre Conservation Area and more widely the impact on the setting of the World Heritage Site.
88. Much of the content of the public objection to the development lay with the visual impact of the proposal with objections raised to it's proposed design, scale and

massing, impacts upon the Conservation Area, World Heritage Site and the local landscape.

89. The application site is located within a sensitive location being situated within the Durham City Centre Conservation Area. The site is visible from many public vantage points. Aside from Green Lane itself, the site is clearly visible from many locations in a northerly direction. The site is within close proximity to popular recreational sites including the cricket ground to the north and beyond the riverbanks of the Wear which are popular with walkers, cyclists and for informal recreation. Unimpeded views are available from the riverbanks. Located adjacent to the river is a bandstand with a fine view towards the City.
90. The site's location close to the river means that it is located within a valley on low lying land and more distant views are available on the slopes to the north of the river including from St Hilds Lane.
91. The site is therefore located within a prominent location clearly visible from many public vantage points.
92. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance and setting of a conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.
93. Similarly Policy 32 of the RSS requires developments to conserve and enhance the historic environment whilst national guidance within PPS5 also seeks to protect elements of the historic environment of value and states under Policy HE9 that there is a presumption in favour of the conservation of designated heritage assets.
94. Policy E3 of the Local Plan seeks to protect the World Heritage Site of Durham Cathedral and Castle and its setting. Local Plan Policy H16 and Policy 8 of the RSS also applicable to the site, require development proposals to be appropriate to the character and appearance of their surroundings.
95. The previously submitted planning application (withdrawn prior to the Committee) was recommended for refusal by officers, in part on the grounds of harm to visual amenity by reason of the size, scale and massing of the proposed building.
96. The previously proposed building totalling 5 storeys was considered by officers to be monolithic in appearance and unsympathetic to its setting. There was an absence of variations in depth to the frontage of the proposed building. The modestly recessed fifth floor and features such as deeply revealed windows proposed not enough to provide the necessary differentiation and reduction in massing to ensure that the building would be appropriately scaled and successfully assimilate into the locality.
97. Design and Conservation have commented on the proposal and consider that efforts have been made to reduce scale and massing, aided by the undulating building envelope. The use of dark and light materials does create a clear and crisp front elevation. However, there are concerns raised that the proposed white render will be too prominent in both the street scene and the longer distant views of the site. Concern is raised at the width of the frontage, it is considered that there is a lack of breathable space around the building due to its proximity to boundaries which will

impact on the amount of landscaping proposed which is also key to the development.

98. Green Lane itself contains a mixture of uses and vernacular and there is not a uniformity of architectural styles within the street. Existing buildings are, however, relatively modest in scale. With the exception of River Court adjacent to the application site all buildings on the Green Lane frontage are two storey in height. River Court itself incorporates a differing number of floors on different elements as it steps and cascades down from a maximum of 4 storeys. The existing PPA building which the development would replace is two storeys.
99. The revised proposal is a total of 4 storeys in height, the fourth storey being recessed from the front building, elsewhere the building cascades down to three, two and single storeys at different points. The maximum height of the building has been significantly reduced from the previous 14m to 11.55m, indeed the maximum height is lower than that of the adjacent River Court and only 1.85m higher than the highest point of the existing PPA building.
100. In addition to the sheer reduction in storeys and height the design has been significantly altered within this proposal to ensure that there is a greater reduction in massing particularly on the critical front elevation. Policy E6 of the Local Plan relates to development within the Durham City Centre Conservation Area and states that proposals for large buildings should be fragmented into blocks of visually smaller elements in a way which is sympathetic to the historic City Centre. The justification to this policy outlines that the City Centre is generally characterised by its intimate scale aside from the Cathedral and Castle.
101. The design utilises projecting and recessed elements facing Green Lane with a recessed third floor and the second and first floor overhanging sections of the ground floor. The proposal seeks to utilise contrasting light and dark material finishes to create clean lines and differentiation. The western most element of the front elevation incorporates a higher three storey feature, creating a break in the building line and creating greater verticality.
102. Coupled with finer elements of design treatment such as feature colours which also act to emphasise the entrance, officers consider that the proposal constitutes a vast improvement upon the monolithic 5 storey proposal last submitted.
103. Design and Conservation still have reservations over the width of the proposed building, landscaping and the impact of the light coloured render. Officers consider that the distinction of the light and dark materials contributes to the differentiation and reduction in massing of the building, however, the final materials palette can be resolved via a condition on any approval. With regards to the width of the frontage of the development, the proximity to the adjacent boundaries is acknowledged which will limit the amount of landscaping on the western and eastern sides. However, significant landscaping can be provided to the front of the building and it must be taken into account that the front sections of the site at present are very hard with no soft landscaping at all. A full and detailed landscaping scheme can be conditioned.
104. With regards to the impact upon the World Heritage Site, Policy E3 of the Local Plan relates and officers do not consider that the proposed building would obscure a key local or long distance view of the World Heritage Site. When travelling in a westerly direction along Green Lane to the east of the application site there is a glimpsed view of the Cathedral Tower above the existing PPA building and River Court. The greater height of the proposed building on the site could cause a slight obscuring of this view. However, impact will be minimal and the view itself is a fleeting one and

only of a small section of the World Heritage Site. It is not considered to be a view of such merit or need of safeguard that objection should be raised to the development on this specific point.

105. The justification to Policy E3 also emphasises the importance of the setting of the Castle and Cathedral and this includes the surrounding green and wooded hills. Such a wooded hillside provides a backdrop to Green Lane itself. Policy E3 also discusses the importance of ensuring that the height and use of materials in new development is appropriate as this may have an impact on the skyline and thereby the World Heritage Site. On this occasion, it is not considered that harm to the World Heritage Site would occur. The proposed building and the World Heritage Site are within the same views from the north east though there are significant distances between the two sites. The presence of the high student halls Parsons Field House to the rear means that the proposed building would not obscure or intrude upon the wooded hillside to the immediate rear and as a result officers do not consider that it could be demonstrated that there is specific harm to the setting of the World Heritage Site as such.
106. Some public objection is raised on the grounds of light pollution. Given the scale of the building and the number of windows proposed there would be a degree of light spillage and at night the building would have more elements lit up than adjacent buildings. Durham City is in part characterised by being a relatively dark City at night and Durham has a lightness and darkness strategy in place which seeks to maintain this generally dark character yet illuminating and emphasising key sites such as the Castle and Cathedral. With the reduction in the scale of the proposed building from that previously proposed, impacts upon light spillage and the height at which it occurs will similarly have been reduced. Impacts upon the largely dark character of Durham should not be significant and should be commensurate with an urban area. However, a condition could be attached to any planning permission requiring full details of the lighting strategy for the building including one way glass to prominent elevations.
107. On balance, officers consider that the reduction in the scale of the proposed building from that previously proposed, together with the incorporation of features to create greater differentiation and reduction in massing are considered to be successful. The justification to Policy E6 of the Local Plan relating to the City Centre Conservation Area states that the intention of the policy is not to rule out modern architecture with the Conservation Area which can, if sensitively designed and appropriately situated, enhance the quality of the Conservation Area. Officers consider this proposal to be an example of this. The existing PPA building is a 1970s built development of little architectural merit or value. The proposed development subject to the appropriate final material palette and implementation of a quality landscaping scheme is considered to cause no detriment to the visual amenity, enhancing the character and appearance of this particular part of the City Centre Conservation Area.

Impact upon Residential Amenity

108. The proposal would result in the erection of 112 studio units for let to the student market. Public responses to the development contain differing views as to the acceptability of the site for student accommodation. Some respondents consider that the site is suitable in principle for students and may ease pressure on the existing housing stock. However, strong views are exhibited to the contrary of this from The Whinney Hill Community Group supported by evidence and quotations from the National HMO Lobby. The neighbouring residential area of Whinney Hill

and others areas within the Elvet electoral division do contain a high number of student residents. The adjacent owners of the River Court development also object to the use of the site for such a scale of student development and consider alternative sites such as the former school site at Whinney Hill more appropriate.

109. Whinney Hill Community Group state that they are fundamentally opposed to the imposition of further student numbers in the area. Existing problems of a loss of a sense of community, erosion of housing supply, noise and disturbance and a feeling of isolation in the permanent residents are identified. Whinney Hill Community Group consider that the development would not ease pressure on the existing housing market and instead consider that purpose built student developments in areas of existing concentrations can exacerbate problems and generate new problems. Purpose built developments can contribute to imbalances in the community and act as a deterrent to the immigration of long-term residents such as families. The development is considered contrary to planning fundamentals of sustainable communities and sustainable development by Whinney Hill Community Group.
110. Creating mixed and balanced communities is a national aim of sustainable development as outlined within PPS1 and PPS3. This means providing sufficient good quality housing of the right types and mix, in the right places, which will be attractive to and meet the identified needs of different groups in society.
111. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development.
112. Officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development. The Development Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division.
113. Green Lane itself is essentially an edge of city centre mixed use area containing some residential properties, offices, recreational facilities and student halls are located to the immediate rear of the site. It is not considered to be an area of an overwhelming residential character. Though located close to Whinney Hill and other residential areas with high numbers of students it is also somewhat detached from them. Comings and goings will predominantly occur via Green Lane itself which is not a wholly residential street.
114. This particular development proposes the redevelopment of an office building with newbuild and does not directly erode existing housing supply through its loss or replacement. The site is on the doorstep of the City Centre and its everyday transient population of workers, students, tourists and permanent residents coming and going from the area. Officers do not consider that this development would cause clear harm to any community or its population simply through the presence of its prospective occupiers.
115. It is acknowledged that the proportions of student households, concentration of students and the impacts of this within parts of the Durham is of significant concern to some members of the public, community groups and communities as a whole. Through the ongoing preparation of the Local Development Framework the issues surrounding the student concentrations in Durham are being considered and researched further. Through this process further clarity and direction on the issues surrounding student concentrations will emerge. However, at this time this application must be determined in accordance with the provisions of the current

Development Plan and material planning considerations. With this in mind and the discussions in the preceding paragraphs no objection to the influx of further students in principle into the area through the development is raised by officers.

116. Objection from the owners of the adjacent River Court development is significant and this includes detailed objection to the suitability of the site for such a number of students, with the impacts of a direct mix of student and non-student residents, significant noise intrusion from comings and goings the proximity of the bin store, vehicular and cycle parking and amenity areas.
117. Although the objector does not agree, officers do consider that some reception and management presence in the building will provide some supervision and surveillance to the occupants reducing concern though it is accepted that this does not mean that comings and goings will not occur at night and the early hours of the morning at times and that there will be some noise emanating from the sheer occupancy level. A condition could be attached to any permission to finalise any outdoor amenity and seating arrangements as part of a wider landscaping scheme which also of concern to the owners of River Court. Within any City Centre development of significance bin stores and cycle racks would be a feature. It is not considered that their presence within the site would be so demonstrably harmful for officers to raise a significant objection, however, the final details regarding the location and size of the bin and cycle store can be conditioned. With regards to vehicular movements on site, the parking provision and vehicular movements on the site itself is lower than if the existing building were occupied.
118. The owners of the adjacent River Court development also consider that the proposed development would cause a significant loss of privacy, outlook and light for the occupiers. The adjacent River Court property contains a flanking elevation with habitable room windows and balcony spaces whilst the top floor is a single "penthouse" flat with roof terrace, amenity area and hot tub.
119. Policy H16 of the Local Plan requires that new developments do not detract from the amenities of residents.
120. The proposed development has sought to take into account the adjacent properties and created recessed elements away from shared boundaries in areas and formed a horse shoe type shape to the development with the purpose of reducing impact.
121. Within the previously submitted scheme officers considered that the impacts upon the occupiers of the adjacent River Court were unacceptably harmful. The then proposed five storey scheme had a maximum height of some 14m which at the nearest point to flanking habitable room windows and balconies in the River Court flats was just 8.4m. In addition flanking windows on the third floor of the previously proposed building were at such a height that the outdoor amenity area containing roof terrace and hot tub within the adjacent River Court penthouse would have been overlooked at a distance of around 11m. Such relationships were considered unacceptable and harmful to amenity.
122. This revised proposal has sought to address these previous objections. The removal of a floor of accommodation in its entirety, reduction in overall height of the building and repositioning of windows now means that there are not flanking windows within close proximity overlooking the hot tub and amenity space of the adjacent top floor flat. Towards the rear of the site the proposed building steps down in height adjacent to the eastern boundary of River Court to two and single storey elements rather than the previously proposed five storeys.

123. Policy H16 relating to student accommodation and residential institutions does not prescribe particular separation distances or specific amenity standards. Although the use of the site would be sui-generis it would be residentially occupied. Policy Q8 of the Local Plan relates to new residential development and provides some distance and amenity standards which can be considered of relevance to the development and aid to provide a context to the impact of the development. Policy Q8 of the local plan considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable.
124. Towards the rear of the site windows within the side elevation of River Court flank blank single storey elements of the proposed development at a distance of 6m. The separation to the blank two storey element is approximately 9m from the nearest flanking window. It must be taken into consideration that as the proposed building incorporates a contemporary flat roofed design, the two storey element of the build which is within 9m proximity of windows in River Court is at a height of only 6m. In comparison a blank gable of a regular pitched roof dwellinghouse would be around the 8m mark. As a result of the low height of the two storey element of the building, the 9m separation distance to the adjacent window, though less than that recommended in Policy Q8 is considered to retain adequate levels of outlook and prevent an overbearing impact.
125. As the proposed building has been designed in a horseshoe type shape the highest elements of the build and those elements containing bedroom windows have been sited the farthest from the flanking elevation of River Court. The owners of River Court maintain that the size of building involved and proximity is unacceptable and contrary to Policy Q8 of the Local Plan by reason of a loss of privacy, light and outlook.
126. The proposed building is of a greater overall height and scale than the present PPA building of that there is no doubt. The existing PPA building also incorporates a roof which pitches away from the adjacent River Court. However, the side elevation of the existing PPA building is also sited closer to the majority of the flanking windows within River Court than the proposed building. The maximum height of the proposed building would be a relatively modest 1.85m higher than the ridge of the existing building. Officers therefore consider that additional impacts upon loss of outlook and light would not be so significant so as to warrant strong objection.
127. Policy Q8 of the Local Plan relating to regular residential developments considers that a distance of 21m should remain between main habitable room windows to ensure adequate privacy. Officers consider that the windows within the east facing elevation of the proposed building would be sited between 18.6 and 20.1m from the outer leaf of the adjacent River Court building. It must be taken into account, however, that the lounge windows within the flanking River Court are deeply recessed from the outerleaf of the building set behind a balcony area and therefore the window to window relationships will in some instances exceed the recommended 21m and in others fall just short by approximately 1m. Although the balcony areas on the east elevation of River Court will not always be in use they must be considered as an area of amenity space. It is noted that due to the size of the building the owners of the adjacent River Court development consider that separation distance should exceed that advised within the Local Plan. Overall, however, the relationship between the proposed building and that of River Court is considered a vast improvement upon the previously submitted scheme in terms of impact upon amenity.

128. Within the previously submitted application the relationship to the Parsons Field House student accommodation to rear was also considered to be unacceptable with a five storey build including flanking windows located just 16.6m away from the rear bedroom windows in Parson Field House. Relationships are again considered to have been improved in this scheme with no windows to habitable rooms now flanking Parsons House. The proposal has removed an entire floor from the previous scheme reducing the bulk and mass from the rear elevation of Parson Field House. The highest element of the scheme, the third floor, is located between 14.5m and 16m from the rear of Parson Field House. The significant change in levels where the land steps up from the rear of the application site to Parsons Field House also reduces the impact of the height and bulk of the building. No objections from the owners or occupiers of Parson Field House have been received.
129. Officers are also of the view that the application site lies not within a suburban residential estate but within close proximity to the City Centre where it can be expected that a greater density of development occurs. Within close proximity to a City Centre, apartment buildings and commercial buildings of greater height may also be expected and the relationships between these developments expected to be slightly more intimate than in suburban residential areas.
130. On balance officers consider that the impacts of the development upon residential amenity have been improved upon from the previously submitted and withdrawn scheme to the point that officers do not consider that such demonstrable harm to adjacent occupiers would occur that would warrant refusal of the application on amenity grounds.
131. Some public objection to the proposal considers that inadequate amenity space is provided for the prospective occupier of the development and Policy H16 does consider state that satisfactory standards of amenity and open space for the residents should be provided. Only small areas of open space would remain on the site for amenity purposes with the most useable space being those areas to the front and rear. The provision of outdoor space is certainly not substantial. However, taking into consideration the edge of city centre location of the site coupled with the ease of access to recreational land such as the riverbanks to the north officers do not raise significant objection to the proposal on this point.

Highways Issues

132. Further public objection to the proposal relates to issues of highway safety and parking provision with the proposed 5 no. parking spaces considered inadequate given the occupancy levels proposed, that the development is being marketed towards postgraduate and mature students who are more likely to have car and traffic movements on Green Lane.
133. Within the previously submitted application for 132 studios, the Highway Authority considered that the site benefits from good public transport, pedestrian and cycle links. It is considered that the development has been designed for use for students. The Highway Authority did not raise objection to the proposal on highways grounds.
134. Parking on Green Lane is controlled by pay and display and residents parking permits will not be available to the residents in order to ensure that the on street facilities remain available. No objections are raised to the development by the Highway Authority with regards to the movements on Green Lane or the junction with Old Elvet/Whinney Hill.

135. Within this resubmitted application for a fewer number of studios, the highway Authority have again not objected. However, it is considered that a greater amount of cycle parking be provided onsite than is proposed and this can be conditioned on any approval.
136. It must be noted that Policy T10 of the Local Plan seeks to limit parking provision in new development so as to promote sustainable transport choices.
137. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan.

Impact upon Protected Species

138. The host building contains a bat roost. Bats are a protected species and the presence of protected species such as bats is a material planning consideration in accordance with Circular 06/05 to PPS9. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
139. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained
140. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
141. The application submitted is accompanied by a wildlife survey and both the ecology section and Natural England have been consulted. Natural England have not responded to this consultation exercise though did so on the previously submitted scheme and when assessed against their standing advice concluded that planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
142. The Council's ecologist considers the proposed mitigation measures are acceptable and should be conditioned on any approval. However, it is considered that the proposed alternative roost provision should be identified on plan to be agreed by the Local Planning Authority. Officers consider that a suitably worded condition can be formulated to cover this requirement together with the mitigation measures outlined in the submitted survey on any approval.
143. Officers consider that despite a bat roost being found within the building that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable. It is considered that a license would be granted by Natural England.

144. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy E16 of the Local Plan and Policy 33 of the RSS.

Impact Upon Trees

145. The site contains a number of trees on its periphery. Policy E14 of the Local Plan specifically seeks to retain trees of value or where they are to be lost to development seeks to ensure that an adequate landscaping plan compensates. The application has been accompanied by a tree report. The Council's Senior Tree Officer considers that the submitted arboricultural report has been well presented by a competent person. Three trees are understood to be removed, a dead whitebeam, declining whitebeam and a common sycamore suffering from decay and no objections are raised to their loss. The remaining trees on site should be appropriately protected.
146. With the assessment of the Council's Senior Tree Officer in mind, no objections are raised to the loss of the three trees outlined within the submitted report. A landscape plan is submitted within the application. Comments from the Council's Landscape Architect have been received and some queries are raised over the suitability of the submitted landscaping proposal and suggested improvements are made. Officers also consider that revisions will be necessary particularly taking into consideration the need to revise outdoor amenity and cycle parking arrangements. It is therefore proposed that a full landscaping scheme is conditioned on any approval. All trees to be retained must be adequately protected during the development and this again can be conditioned.
147. In addition an ecological survey submitted with the application found that a hedge on site contains two forms of the invasive plant species cotoneaster under the Wildlife and Countryside Act 1981 (as amended 2010) and this states that it is an offence to deliberately encourage the growth or to plant these species. The ecological report recommends the removal of this species in accordance with a method statement which could be ensured by way of condition on any approval.

Other Issues

148. Some public objection to the development questioned the need and demand of the development. Linked to this perceived demand concern it is also raised that the development may not appeal to students and could be rented out to the non-student private rented market. With Policy H16 of the Local Plan establishing that new student halls of residence are acceptable within settlement boundaries in principle it would be difficult to sustain an objection on any perceived lack of need. Indeed this need is driven by market forces. In addition weight should also be attributed to the National Planning Policy Framework, published in draft in July of this year. This establishes a presumption in favour of sustainable development and officers do not raise objection to the sustainability of the proposal. Officers therefore raise no objection to any perceived need or demand of the proposal.
149. With regards to the concern over the occupancy the proposed development is considered a sui generis use and the application description details that the development is purpose built for students. Any deviation from this use to another form of development would therefore require planning permission and would be assessed on its own merits.
150. The Whinney Hill Community Group consider that the proposal would prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver. The development put before

the Council is that which must be assessed on its own merits. The land is not specifically designated within the Local Plan for any particular use such as housing, office or industrial development and it is not considered possible to object to the proposal on the grounds that a different development may come along which is potentially more of an economic driver. In addition there would certainly be some economic benefits from the redevelopment of the present site for the accommodation proposed.

151. The application has not been accompanied by a section 106 agreement ensuring the provision of affordable housing or a contribution towards children's play equipment. The proposal constitutes a sui generis use and the requirements for playspace and affordable housing relate only to development proposing dwellinghouses (C3 use class). As a result the relevant Local Plan thresholds and requirements pursuant to this are not considered applicable to the development.
152. PPS23 relates to pollution control in planning and Local Plan Policy U11 relates to contaminated land on development sites. The application has been accompanied by a geo-environmental assessment and this concludes that the overall risk of land contamination is low-medium whilst the potential for ground gas is also considered low to moderate. No comments have been received from Environmental Health with regards to the specific content of the report, however. It is therefore considered appropriate that a condition be attached to any approval requiring that a scheme to deal with potential site contaminants is agreed at a later date.
153. Environmental health do consider that there is the potential for noise disturbance during works and it is recommended that a condition restricting working hours is attached to any permission. The working methods and use of plant and machinery should be in accordance with BS5228 Noise and Vibration Control on Construction and Open Sites. It is also recommended that a condition be attached requiring the submission of a dust assessment and controlling methods. All waste material must be disposed of in the correct and proper manner and the burning of any materials on site shall be prohibited.
154. Officers consider that conditions could be attached to any approval limiting the hours at which works can occur as well as requiring the submission of and agreement to a scheme on working methods and practices and dust suppression during the works.
155. The Council's senior low carbon officer is encouraged by the applicant's efforts to achieve an excellent BREEAM rating. However, some concerns are raised to the practicalities of the use of air source heat pumps. Policy 38 of the RSS seeks to ensure that all major development proposals achieve a 10% energy efficiency reduction. The Local Planning Authority has a standard condition which can be attached to any approval to ensure that such a scheme is devised and this condition is recommended for attachment on any approval.
156. With regards to matters of flood prevention, The Environment Agency were consulted on the previously submitted application and provided a link to their standing advice notes. There was no requirement for a flood risk assessment to be submitted. This standing advice considers that on sites of this size located in flood risk zone one the main risk of flooding will come from surface water runoff and good practice principles and guidance are provided within the standing advice document. No objections are therefore raised with regards to matters of flood risk in accordance with PPS25 and Policy 35 of the RSS.

157. Although no comments have been received with regards to this application, Northumbrian Water raised no objections to the previously withdrawn proposal for 132 studio flats
158. The Council's Archaeologist raises no objections to the proposed development.

CONCLUSION

159. This proposal seeks to erect a purpose built accommodation block for student occupancy containing some 112 studios. Officers consider that in principle the proposal seeks a sustainable form of development in an edge of city centre location somewhat detached from an established residential area and in principle accords with the development plan and does not undermine the national aim of creating mixed and balanced communities.
160. The previously submitted application which was withdrawn prior to being heard at Committee was recommended for refusal by officers on the grounds of harm to visual and residential amenity.
161. Officers consider that this revised proposal has successfully addressed both of these material planning considerations though it is noted that public objection remains with regards to both in addition to the other objections raised.
162. The reduction in scale and height of the building coupled with the incorporation of design features such as projecting and recessed elements and mixed materials palette has successfully achieved the necessary reduction in massing and increase in differentiation whilst adding much interest to the appearance of the building. Impacts on the immediate street scene and more widely the Conservation Area and World Heritage Site are now considered acceptable.
163. With regards to residential amenity, the scale, design and location of windows within the building are such that it is now considered that the proposed development will not cause harm to the amenity of adjacent residents that would be so harmful as to warrant refusal of the application, unlike the previously submitted scheme. The sheer occupancy levels of the development raises some concern over noise and disturbance, however, taking into consideration the central location of the site where greater comings and goings and activities must be expected, these impacts are considered to remain at an acceptable level.
164. No harm to highway safety is considered to occur and matters of ecology, impact on upon trees, land contamination and flood risk have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.
165. As a result approval of the application is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following;

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

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

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

2160_02, 2210 01, 2210 03, 2210 04, 2220 01, 2220 02, 2020:01, 2020:02 received 10th October 2011, 2210 02, 2200_04 received 16th October 2011, 2200_01, 2200_02, 2200_03 received 18th October 2011

Reason: To define the consent and ensure a satisfactory form of development having regards to Policies E3, E6, E14, E16, E22, E24, H13, H16, T1, T10, T20, Q5, Q8, U8A, U11 and U14 of the City of Durham Local Plan 2004.

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

Reason: In the interests of visual amenity having regards to Policies E3, E6, E22, H13, H16 and Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies E3, E6, E22, H13, H16 and Q8 of the City of Durham Local Plan 2004.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The landscaping scheme shall also include details of any outdoor amenity areas including seating. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. 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.

Reason: In the interests of the provision of an adequate landscaping scheme in accordance with Policy Q5 of the City of Durham Local Plan 2004.

6. The works to the trees on site shall be restricted to that detailed within appendix 1 of the submitted arboricultural implications assessment dated September 2011 by E3 Ecology Ltd. The remaining trees on site shall be protected with protective

fencing erected in accordance with BS.5837:2005 prior to the commencement of any works on site (including demolition) and prior to the placement of any equipment, plant and materials on site. The trees shall be protected for the entirety of the development works. The details of tree protection including the submission of a tree protection plan shall be first submitted to and then approved in writing by the Local Planning Authority.

Reason: In the interests of the protection of trees and visual amenity having regards to Policy E14 of the City of Durham Local Plan.

7. Prior to the commencement of the development full details of the proposed lighting strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be designed so as to minimise light spillage and glare outside the development site. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of minimising light spillage and in the interests of visual amenity having regards to Policies E3, E6 and E22 of the City of Durham Local Plan 2004.

8. Prior to the commencement of development full details of the siting and appearance of the proposed refuse bin storage shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the approved scheme.

Reason: In the interest of visual and residential amenity having regards to Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004.

9. No development approved by this permission shall be commenced until:
 - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
 - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
 - c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
 - d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
 - e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason – To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

10. No development shall take place unless in accordance with the mitigation detailed within the protected species report "A Wildlife Survey of a Site on Green Lane Durham" received 10th October 2011 including, but not restricted to adherence to timing restrictions, provision of alternative roost sites and the

obtaining of a Natural England Development License before any demolition commences. Prior to the commencement of development full detailed plans indicating the location of the proposed alternative roost sites shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

11. No demolition works shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 12 noon on a Saturday with no demolition to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policy H13 and H16 of the City of Durham Local Plan 2004.

12. No development works shall occur until a methodology of working practices has been submitted to and approved in writing by the Local Planning Authority. Said methodology must outline the use of plant and machinery during the demolition process which must be in accordance with the requirements of BS5228 Noise and Vibration Control on Construction and Open Sites. The methodology must include the submission of a dust assessment and methods of dust control during demolition. Thereafter, the demolition must be undertaken in full accordance with the agreed scheme.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

13. Should removal or partial removal of the cotoneaster hedge on site be sought, the removal must be undertaken in accordance with the method statement contained within appendix 2 of the submitted Breeam assessment by E3 Ecology received 10th October 2011.

Reason: To prevent the spread of this invasive species having regards to the Wildlife and Countryside Act 1981 (as amended 2010).

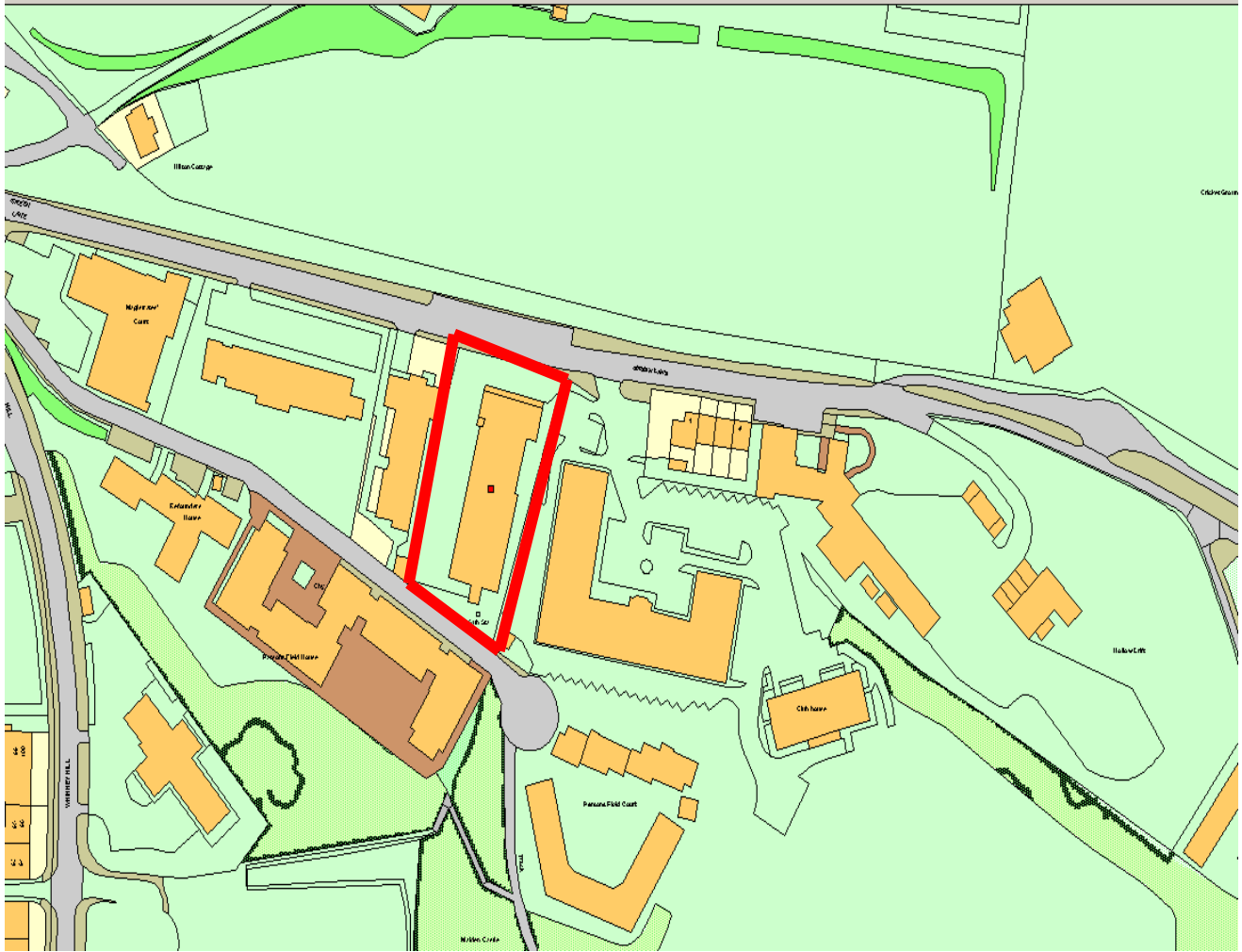
14. Prior to the commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East.

BACKGROUND PAPERS

Submitted Application Forms and Plans and supporting documentation
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy

Planning Policy Statements 1, 3, 5, 9, 23 and 25 and Planning Policy Guidance Note 13
Responses from The Highway Authority
Internal consultee responses
Public responses
Planning Circulars 11/95
Draft National Planning Policy Framework



Planning Services

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Comments

Erection of student accommodation building comprising of 112 studio flats

Date 13th December 2011

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00748/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing bungalow and erection of 2 no. dwellinghouses
NAME OF APPLICANT:	Oaktree Homes
ADDRESS:	Plot 5N and Plot 5S Bishopgate 48 North End Durham DH1 4LW
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises the residential cartilage of 'The Nook', a detached bungalow and an adjacent parcel of land formerly within the curtilage of 'Rookstone' nursing home at 48 North End, Durham. The site currently contains a garage located at the northern end of the site providing access to North End, adjacent to this are two small outbuildings and beyond a parcel of currently vacant land which is part of a larger development site at 48 North End.
2. Adjacent to the garage, steps lead down to an overgrown front garden area and beyond the bungalow, currently vacant and in some state of disrepair. A smaller rear garden area is located to the south of the bungalow.
3. The garden area is in an unkempt state suffering from a lack of recent management and contains two apple trees, a prunus, yew, cypress and sorbus saplings together with laurel shrubs and weeds. The site is bordered by properties on Fieldhouse Lane by a hedge and fencing.
4. Trees are located in very close proximity to the application site, namely a large sycamore on the highway to north west protected by a tree preservation order, a cherry and silver birch located on the highway directly to the north of the site and a large Leyland cypress located within the rear garden of No. 25 Fieldhouse Lane.

The Proposal

5. This application seeks planning permission for the demolition of the existing bungalow, garage and outbuildings and redevelopment with the erection of 2 no. dwellings.

6. Of the two dwellings, the northern most dwelling is a 6 bed property and the southern a 7 bed property. Each property proposes accommodation across three floors. The properties incorporate pitched roofs and the maximum height of the proposed northern dwelling is 9.12m and the southern 8.97m. The proposed dwellings would have a maximum length of 17.6m and width of 14m.
7. The properties gain access off the internal road serving the remaining plots on the development site and fronts this access road. Each property is served by a double garage and a single storey pergola offshoot. Each property has a rear garden, that of the southern property much larger on what is a roughly L shaped parcel of land.
8. The application is being presented to Committee at the request of the divisional member.

PLANNING HISTORY

9. This application site in part comprises of land formerly within the curtilage of a nursing home which is presently being developed following the grant of planning permission in 2009 for 3 dwellings in full (plots 2, 3 and 4) and a further 4 dwellings (plots 1, 5, 6 and 7) in outline.
10. Earlier this year a retrospective application for an amended plot 4 dwelling was refused but later, following further revisions, a resubmission was approved.
11. The reserved matters for the plot 1 dwelling was also approved earlier this year.
12. An application for works to protected trees including the felling of a lime and a cherry tree was also approved this year.
13. In November an application for the demolition of The Nook and erection of a single dwelling was approved. This application being a resubmission of an identical development approved in 2007.

PLANNING POLICY

NATIONAL POLICY

14. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
15. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
16. *Planning Policy Statement 3 (PPS3): Housing* - underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone

has the opportunity to live in a decent home, which they can afford in a community where they want to live.

17. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
18. *Planning Policy Guidance Note 13 (PPG13): Transport* - seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
19. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
20. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* - sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.
21. *Planning Policy Statement (PPS25): Development and Flood Risk* explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.
22. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.
23. The PPS says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues and that developers should fund flood defences, where they are required because of the development.

REGIONAL PLANNING POLICY

24. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
25. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning

Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:

26. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
27. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
28. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
29. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
30. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
31. *Policy 30 - Improving Inclusivity and Affordability* sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.
32. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
33. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

34. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
35. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
36. *Policy H2 – New Housing Development within Durham City* relates to new housing development in Durham City, stating that the development of previously developed, or

'brownfield' land will be permitted providing it accords with the more detailed development proposals of the Council.

37. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
38. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
39. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
40. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
41. Policy U5 (Pollution Prevention) seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
42. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
43. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. The *Highway Authority* have requested that the front courtyard space adjacent to the double garages be utilised as a standard driveway and that the garages are retained as such so as to allow for adequate parking.
45. *Northumbrian Water* have raised no objections to the proposal.
46. *Durham Bat Group* have commented on the application and have stated that the submitted bat survey is acceptable and no objections are raised.

INTERNAL CONSULTEE RESPONSES:

47. None

PUBLIC RESPONSES:

48. Eight letters/emails of objection have been received in response to the Council's public consultation exercise.
49. The objections include that the dwellings developed thus far on the Rookstone site are not sympathetic to the surroundings and existing trees/hedgerows. The two dwellings proposed here must be more in keeping and it is hoped that there will be a greater degree of supervision over the development from the planning office and that the concerns of the existing residents and considered not just those of the developer.
50. One objector queries how this development can be considered acceptable when it would result in a total of 8 no. dwellings being erected on the site of the former nursing home yet the outline consent gave permission to only 7.
51. One respondent has requested details on the distances between the properties and their boundary and the height of the dwellings. Two further respondents object at present as the plans are understood to be inaccurate and full comments cannot be made until accurate plans have been submitted.
52. Concern is raised over the size and proximity of the dwellings and impacts upon residential amenity. A query is raised over the principle of the development as it was understood that the Government were stopping building on garden land.

APPLICANTS STATEMENT:

53. The application has been accompanied by a design and access statement in support of the proposal. This statement considers that the application site is located within an established, mixed residential area. The site is located within close proximity to the City Centre and transport services.
54. The proposed dwellings are described as being of a traditional nature with brick and tile hung elevations and plain tile gabled roofs. The dwellings incorporate a stepped plan and roof arrangement to reduce the visual scale of each house.
55. The principal rooms are arranged in a manner to accord with Local Planning Authority privacy distance requirements.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

HTTP://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_SEARCHRESULTS.ASP
[X](#)

PLANNING CONSIDERATIONS AND ASSESSMENT

56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon the character and appearance of the area, , impact upon the amenity of nearby occupiers, impact upon trees, highway safety and protected species.

Principle of the Development

57. The application site in part comprises of a residential property and ancillary buildings and in part the former curtilage of a nursing home. The application site is also located within the settlement boundary of Durham City and within close proximity to the City Centre itself.
58. The curtilage of The Nook has a history of planning approvals for replacement residential development with planning permission granted in 2007 and 2011. The remaining land within the application site formed part of a larger former nursing home which gained planning permission in 2009 for 7 no. dwellings.
59. Some public objection states that it was understood that building on garden land was being stopped by the Government. Revisions to PPS3 Housing in June 2010 have meant that garden land within built up areas is no longer considered to be previously developed land. However, The Chief Planning Officer's letter setting out this change at the time stated "Together these changes emphasise that it is for Local Authorities and communities to take the decisions that are best for them and decide for themselves the best locations and types of development in their areas." It is therefore considered that the change to the definition of previously developed land does not rule out development on all garden land.
60. Officers consider that sections of the land must be considered to be previously developed land as they contain a dwelling and ancillary buildings to be demolished and formerly contained part of a nursing home site.
61. Policy H2 of the Local Plan accepts the principle of windfall development of previously developed parcels of land within Durham City. The proposal seeks to redevelop a part brownfield, part greenfield parcel of land within the settlement boundary of Durham City. The proposal is considered to constitute an efficient use of land with good access to services and public transport in accordance with the principles of PPS1 and PPS3. In addition weight should also be attributed to the National Planning Policy Framework, published in draft in July of this year. This establishes a presumption in favour of sustainable development. The proposal is re-using land within a sustainable location and as result the development is considered to accord with this overarching aim of the draft National Planning Policy Framework.
62. Significant weight must also be attributed to the history of extant planning permissions for residential development on the land.
63. One objector has queried how this development can be considered if it would result in an additional dwelling being built on the wider site than was previously approved within 2009. This application, however, is an application in full rather than a reserved matter pertaining to the 2009 planning permission. It is therefore an independent application to be assessed on its own merits with regards to impact upon the local area.
64. As a result, officers do not object to the proposal in principle.

Impact upon Visual Amenity and the Character and Appearance of the Area

65. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of Durham.
66. PPS1 and PPS3 promote high quality design and development that is sympathetic to its surroundings. This approach is replicated in policy 8 of the Regional Spatial Strategy of

the North East of England which requires that all developments are sympathetic to their surroundings.

67. Policies H2, H13, Q8 of the Local Plan also identify that development will not be considered acceptable where it would have an adverse effect on the character of the surrounding area whilst policy E14 seeks to retain trees and hedges of value where possible and replace those which are lost to development.
68. Some public objection to the development raises objection to the scale and density of the development and that the dwellings developed thus far at the site are not sympathetic to the local area and that it is hoped that this is taken into consideration within the determination of this application.
69. The local area is predominantly residential and contains a mix of largely semi-detached and detached properties, some properties of a large scale. To the north of the site beyond North End is the large Land Registry site. Generally, however, the local built environment could be described as a pleasant leafy suburb with properties set within spacious curtilages.
70. Adjacent to the site to the east is an NHS nursing building at No. 42 North End "North End House" and this is a large brick building of significant height with steeply pitched roofs, gable ends which fronts onto North End.
71. Architecturally the proposed dwellings are considered to have more in keeping with this adjacent NHS building than dwellings which have been constructed thus far on the former nursing home site which, for example, incorporate hipped roof profiles. However, as the proposed dwellings will be adjacent to the highway itself, no objection is raised to this as officers consider that the development would relate well to the nearby North End House building and successfully assimilate into the area. As well as the architectural similarities with the adjacent North End House. The proposed dwellings are large, both in terms of footprint and height with a maximum ridge height of 9.1m. North End House is a large and high building with a strong sense of verticality. The proposed dwellings would relate to this existing feature on North End. The scale and massing of the proposed dwellings have been broken down through the stepping of ridge heights and varying roof profiles.
72. The dwellings are larger than those properties on the adjacent Fieldhouse Lane. However, officers consider that the dwellings will remain acceptable. The plot 5N site is at the head of the access road on the street frontage and it will therefore create a focal point at the access to the development. Corner plots and the first plots within residential developments are often large properties and it is a common urban design practice to create more of a landmark at the key public vantage points. Significant separation distances would remain between the proposed dwellings and those properties on Fieldhouse Lane. This would help to ensure that there is adequate space about the dwellings. When viewing the proposed northern plot from North End the dwelling does step and cascade down towards those properties on Fieldhouse Lane. Some properties on Fieldhouse Lane incorporate traditional architectural features such as steeply pitched roofs and chimneys which the proposed dwellings would relate to.
73. With the principle elevations of the two properties fronting onto the internal access road, the northern most plot has been designed with an active elevation facing North End. This northern elevation includes feature gable and a number of large window openings rather than an unanimated blank gable end.
74. With regards to the density of the proposal, the southernmost of the dwellings is set within a large garden. The L-shaped nature of the site has resulted in the dwellings

being sited within close proximity in the northern half of the site, actually adjoined at one point by a small pitched canopy. The northernmost property has a smaller plot, dictated by the shape of the site. However, the garden is considered to remain of ample size covering some 105m². The large expanse of land between the southern elevation of the plot 5S property and that of the recently developed plot 4 will provide a visual break within the wider site. As a result despite the large nature of the dwellings and wide frontage, the proposal is not considered overdevelopment of the plot and the density deemed acceptable to the wider area.

75. The submitted plans propose the use of aluminium cladding on sections of the elevations, most notably the west facing elevation on the proposed 5N plot. Such an expanse of cladding is a contemporary feature and taking into consideration the otherwise traditional architecture of the dwellings officers do query whether this is the most suitable final design solution. It is considered that a suitably worded condition be attached to any approval to resolve the final design and material treatment of those areas where aluminium cladding is proposed.
76. Subject to the appropriate use of final materials, hard and soft landscaping which can be agreed by way of condition, the proposed scale and design of the development is considered to be appropriate in the area and the development is considered to accord with Policies H2, H13 and Q8 of the Local Plan in this regard.

Impact upon Residential Amenity

77. Policies H2, Q8 and H13 of the Local Plan seek to ensure that the amenities of neighbouring residents and land users are preserved through new developments.
78. Some public objection has considered that the proposed development would cause harm to the amenity of local residents through the siting and scale of the dwellings. Particularly those on Fieldhouse Lane.
79. Policy Q8 of the Local Plan provides advice on the layout of residential development and provides separation distances seeking to ensure that the residential amenity of all occupiers is retained within a development. This guidance states that from a window to a single storey gable 6m separation should be maintained and to a two storey gable 13m should be maintained. This is to ensure that adequate outlook is retained for occupiers and that one development is not too overbearing upon another. In terms of privacy, Policy Q8 advises that 21m should remain between the main facing windows.
80. The nearest existing properties to the proposed development are those at the northern end of Fieldhouse Lane and the adjacent, recently developed plot 4 site at Bishopgate. The northernmost dwellings would be located 19m from the rear extension of No. 26 Fieldhouse Lane at the nearest point. This nearest offshoot of the proposed dwelling contains just a single window to en-suite and dress space within bedroom. The window is not to a main habitable space and furthermore a condition can ensure that this window is obscure glazed.
81. The only west facing window to habitable accommodation within the proposed northern plot is to a bedroom at first floor with a small balcony outside. These elements are set farther back from the rear most section of the dwelling and a distance of 21m to the nearest window within No. 26 Fieldhouse Lane would be achieved. No window is proposed to the attic bedroom space in the west facing elevation. The window to window separation distances between main habitable rooms advised within Policy Q8 of the Local Plan would be achieved. The proposed balcony although sited at a distance of 21m from No. 26 Fieldhouse Lane may create a perception of overlooking for

adjacent. A condition can be attached to any approval recommending that the glass to balustrade is obscured to further alleviate concern.

82. Despite the size of the dwelling proposed and the proposed dwelling being set on higher ground than those properties on Fieldhouse Lane, the distance of 19m from the nearest element and 21m from the two and half storey element of the dwelling is considered sufficient so as to ensure that the proposed dwellings would not appear to be overbearing or create significant loss of light or outlook.
83. The separation distances between the two proposed properties and No. 25 Fieldhouse Lane would be greater. The nearest element of the southernmost proposed property would be 25m from the rear of No. 25 Fieldhouse Lane though this would include windows to main habitable rooms, ground floor kitchen/dining space and lounge and first floor bedroom accommodation. A dormer within west facing roofslope would be to a studio space. The ground floor bedrooms would be obscured by the boundary treatment between the properties. The separation distances of 25m to the bedrooms and No. 25 Fieldhouse Lane and 27.5m to the dormer are considered to be of sufficient length to prevent a loss of privacy, again taking into consideration the height of the proposed dwelling and change in levels.
84. Separation distances from the proposed dwellings to other neighbouring properties namely Nos. 24 and 23a Fieldhouse Lane and properties on The Grove are greater still and impacts upon residential amenity considered acceptable.
85. Consideration must also be given to impacts of the proposed dwellings upon the adjacent development on the former nursing home site. The recently developed plot 4 site at Bishopgate is located 14m to the south of the southernmost proposed dwelling. The habitable rooms within the plot 4 site are however, located towards the rear of the property and northern facing windows situated farther away at 26m from the southern elevation of the proposed development. Such a relationship is considered to be acceptable.
86. Plot 6 on the former nursing home site is approved only in outline at this stage. However, some consideration and weight must be attributed to this extant permission and that the dwelling may be constructed at some stage. During the course of the application east facing attic space windows to proposed bedrooms have been removed from the plans so as to improve relationships with the adjacent plot 6 site and avoid an unacceptable degree of overlooking.
87. Earlier this year the reserved matters for the plot 1 site on the development were approved establishing the final siting, appearance and layout of this dwelling. The main elevation of this dwelling will point westwards towards proposed plots 5N and 5S. However, the plot 1 dwelling is sited farther south and the front elevation will not directly face either of these proposed dwellings. The approved plot 1 dwelling is well recessed into its plot behind a driveway and the separation distances between properties are acceptable with none of the proposed dwellings suffering from a significant loss of outlook or light.
88. On balance, despite the large scale of the proposed dwellings, the separation distances involved and the location of windows is such that it is considered that impacts of the development upon the residential amenity of both existing occupiers in the area and future occupiers of properties on the adjacent site would be acceptable.

Highways Issues

89. Each of the proposed dwellings would be served by a double garage. The Highway Authority raised initial concern that further parking space may not be available within the curtilages of the properties and would be needed given the size and occupancy levels.
90. Revised plans submitted during the course of the application have identified that a further parking space within the curtilages is to be located to the front of the entrance in the properties. Provided that this space is utilised as a driveway and that the double garages are not converted the Highway Authority raise no objections to the development.
91. Conditions can be attached to any approval to prevent the garages from conversion to habitable rooms and to ensure that the adjacent spaces are not an enclosed courtyard space but utilised as a driveway.
92. It must be noted that Policy T10 of the Local Plan seeks to limit parking provision in new development so as to promote sustainable transport choices and therefore the proposed 3 parking spaces per dwellings is considered adequate taking into account the aims of Policy T10 but also the occupancy levels of the dwellings.
93. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan.

Impact upon Protected Species

94. Policy E16 of the Local Plan and Policy 33 of the RSS seek to conserve nature conservation assets and prevent harm to protected species through development.
95. Bats are a protected species and the presence of protected species such as bats is a material planning consideration in accordance with Circular 06/05 and PPS9. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
96. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained
97. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
98. The application has been submitted with a bat survey report, the report found no evidence that the buildings on site were being used as a bat roost. Bats were seen foraging in the area and a tawny owl was also spotted in the area but no entrance into the buildings on site was witnessed. Durham Bat Group have considered the submitted report and no objections have been raised.

99. The report does not anticipate any significant impacts of the development upon bats. Mitigation and enhancement measures are suggested in the form of the provision of bat bricks. Such a measure could be ensured by way of condition.
100. Officers do not consider that harm to protected species should occur through the development.

Impacts Upon Trees and Hedges

101. Throughout the redevelopment of the former nursing home site the impacts upon trees and the loss of some trees which has occurred has been of significant concern to local residents.
102. Policy E14 of the Local Plan specifically seeks to retain trees of value or where they are to be lost to development seeks to ensure that an adequate landscaping plan compensates. The application has been accompanied by a tree report and a scaled plan indicating the canopy and root protection areas of the trees.
103. The submitted tree report is identical to that which accompanied the application for a single dwelling in place of The Nook. The report considers that two mature apple trees within the site are of poor condition and advises removal and replacement. Although comments have not been received from the Council's tree officers on this specific application, comments were received on the tree report with regards to the recently approved replacement of The Nook. The Council's tree officer considers that all trees within the site are of little value or quality and if lost no objections are raised, although a replacement scheme should be implemented, a view which was echoed by the Council's landscape architect.
104. One of the mature apple trees in the far south of the site would be unaffected by the development and it would not be necessary to remove the specimen to implement the proposed development despite the report's recommendations that the tree should be removed. Some local residents have informed officers that despite the poor condition of trees on site they should be retained as they do add a mature screen to the development from their properties. The other apple tree identified on report as T2 would need to be removed as it is within the position of the proposed build. Given the poor quality of the tree specimen officers do not consider that strong objection can be raised to its loss. Additional hedge planting on the eastern boundary of The Nook site would also need to be removed to facilitate the development. Again as this does not comprise of trees or hedging of such merit warranting protection, officers do not object to its loss. Conditions can be attached to any approval to agree precisely which trees on site are to be lost and which are to be retained.
105. The most valued trees within the area are actually beyond the application site namely a cherry, silver birch and protected sycamore all of which are located on the highway to the north of the application site. The other dominant tree adjacent to the site is a large Leyland cypress within the garden of No. 25 Fieldhouse Lane. Due to the location of the development from the root protection areas of these trees the development should not cause a harmful impact. However, adequate protection will be needed and again this can be agreed via a condition attached on any approval. A landscaping scheme can also be agreed via a condition.
106. Impacts upon trees and hedgerows which contribute to the visual amenity of the area are therefore considered to be acceptable.

Other Issues

107. The previously approved development for a single house in place of The Nook requires a sewer diversion to be undertaken as part of the works. Within the comments on this application, however, Northumbrian Water have raised no objections, the development considered to be far enough from the sewer as to not require a redirection.
108. It is known that residents have had concerns with regards to localised flooding and potential underground springs in the area, though the site is not known to officers as having historically documented flooding problems.
109. However, in light of the above it is considered appropriate that conditions be attached to any approval requiring full details of the means of catering for both surface water and foul flows which are to be agreed in negotiation with Northumbrian Water.

CONCLUSION

110. The proposal seeks to erect 2 no. dwellings located on part previously developed land within Durham City with easy access to the City Centre, local services and facilities. The proposal is considered to constitute sustainable development making an efficient reuse of land within a settlement boundary. The site has a history of approvals for residential development and no objections are raised to the development in principle.
111. The proposed dwellings are large properties and are of a somewhat differing design to those being developed elsewhere on the former Rookstone Nursing Home site and existing properties at the adjacent Fieldhouse Lane. However, the dwellings are considered to be of a scale and character in keeping with the local area where there is variety to building styles and scales. Trees of most value in the area can be protected and retained.
112. The siting and orientation of the dwellings is such that impacts upon the residential amenity of neighbouring occupiers is considered to remain acceptable.
113. Provided that each of the properties retain three parking spaces, which can be ensured through the attachment of conditions, no objections are raised with regards to highway safety.
114. No harm to protected species shall occur through the development.
115. As a result, approval of the application is recommended.

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 following approved plans:

Plan 4 received 13th September 2011 and plans 1A, 3, 5B, 6A, 7B, 8A, 9B, received 28th November 2011

Reason: To define the consent and ensure a satisfactory form of development having regards to Policies , E16, H2, H13, T1, T10, Q8, U5, U8A and U11of the City of Durham Local Plan 2004.

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

Reason: In the interests of visual amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the details of materials submitted with the application no development shall commence until full details of the final design treatment and materials palette, potentially including a cladding system, of the west facing elevation of the Pot 5N dwelling has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

5. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

6. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The landscaping scheme shall also include details of any outdoor timber decking areas. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. 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.

Reason: In the interests of residential amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

7. Notwithstanding the details shown on submitted plans details of all means of enclosure to be retained, rebuilt or erected shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies H13 and Q8 of the City of Durham Local Plan 2004.

8. Prior to the commencement of development a plan shall be submitted to the Local Planning Authority clearly identifying which trees and hedges are to be removed and which are to be retained and protected during the course of construction works. 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, 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.5837:2005. Said protection shall be inspected by the Local Planning Authority once erected and said protection shall remain in situ until the development has been completed.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E14 and Q8 of the City of Durham Local Plan 2004.

9. Notwithstanding the information submitted and prior to works commencing, a detailed scheme for the disposal of foul and surface water including full details of the sewer diversion scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and implemented in accordance with the approved scheme thereafter.

Reason: To prevent pollution of the water environment and in the interests of appropriate drainage of the site in accordance with Policy U8A of the City of Durham Local Plan 2004 and Planning Policy Statements 23 and 25.

10. No development shall commence until full details of a scheme incorporating bat bricks into the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with those details.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B and E of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: To maintain the character of the scheme and to protect the privacy and amenity of existing and proposed residents, in accordance with Policy Q8 of the City of Durham Local Plan 2004.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garaging, hardstandings and car parking shown on the approved plans

shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.

Reason: In the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan 2004.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used to the en-suite and bedroom window immediately adjacent within the west facing elevation of the Plot 5N dwelling shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room and once installed are retained as such.

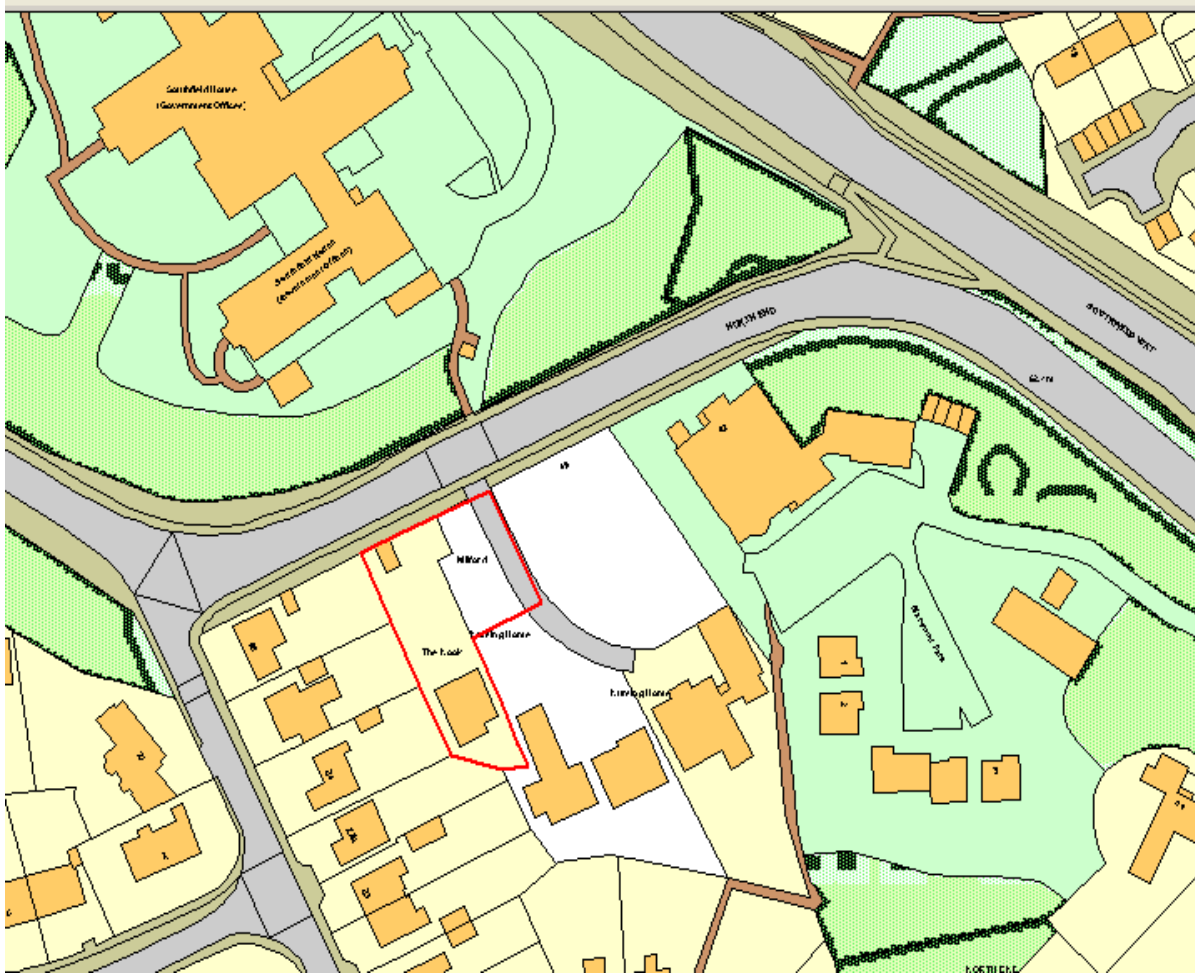
Reason: In the interests of residential amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the rear balustrade to the proposed balcony space of the Plot 5N dwelling shall be obscure glazed and once installed retained as such thereafter.

Reason: In the interests of residential amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans and supporting documentation
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statements 1, 3, 9, 23 and 25 and Planning Policy Guidance Note 13
Responses from The Highway Authority, Northumbrian Water and Durham Bat Group
Public responses
Planning Circulars 11/95
Draft National Planning Policy Framework



Planning Services

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Comments Plot 5N and 5S Bishopgate 48 North End Durham

Date 13th December 2011

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Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****Appeal by Mr P Watson****Site at 118 Wordsworth Avenue, Wheatley Hill, Durham, DH6 3RE****Planning Reference PL/5/2011/0249**

An appeal was lodged against the Council's refusal for the retrospective erection of a 1.53m high boundary fence at the above site.

The inspectorate disagreed with the Authority's decision and concluded that the fence would provide an appropriate degree of privacy for the appellant's family and should it be stained a dark colour with additional landscaping, that any impact upon the streetscape would be mitigated.

The appeal was therefore allowed subject to conditions relating to staining the fencing and tree planting at the site.

Recommendation:

That the decision be noted.

APPEAL UPDATE (DURHAM AREA OFFICE)**Appeal by Mrs B Murphy****4 Wanless Terrace, Durham****PLANNING REFERENCE 4/11/00551/FPA**

An appeal was lodged against the Council's refusal of the erection of a single storey pitched roof extension to rear, erection of dormer roof extension to rear, insertion of a window to front elevation and the insertion of 1no. rooflight to front of existing dwelling.

The Authority considered that the proposed rear dormer window as a result of its scale and design would represent a form of development which fails to remain sympathetic to the host property and would also fail to make a positive contribution to the Durham (City Centre) Conservation Area.

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that the proposed dormer would not be unduly dominating and given the limited visibility of the rear of the property, particularly from the public domain, it would preserve the character and appearance of the Durham City Centre Conservation Area.

The appeal was therefore allowed.

Recommendation:

That the decision be noted.

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Planning Services

COMMITTEE REPORT**DECISION UPDATE (EASINGTON AREA OFFICE)****PL/5/2011/0215 – LAND REAR OF 1 GRANGE TERRACE, SHOTTON COLLIERY, DH6 2JP**

Members will recall that the Central and East Area Planning Committee considered a proposal for a bungalow at the above site on 6th September 2011. The submitted plans indicated that the full length of the rear lane which leads to the application site would be tarmaced by the applicant. At the meeting, the applicant's agent also indicated that this would be the case. It was resolved that the application be approved subject to conditions, two of which required the rear lane to be resurfaced and for appropriate drainage to be installed.

Since this meeting the applicant has indicated that the rear back lane will not be tarmaced as indicated on the approved plans. It is now the applicants intention to fill potholes with dolomite and cover part of the rear lane with a 50mm covering of chippings.

The resurfacing of the road, as now proposed, although not to the standard indicated previously, is considered acceptable to Highways Officers, and is satisfactory to discharge the planning condition.

Recommendation:

That the information be noted.

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