



## Area Planning Committee (Central and East Durham)

**Date** Tuesday 13 November 2012  
**Time** 1.00 pm  
**Venue** The Glebe Centre, Murton

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### Business

#### Part A

1. Declarations of Interest, if any
2. Minutes of the Meeting held on 9 October 2012 (Pages 1 - 4)
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) 4/12/00595/FPA - Arriva Bus Depot Site off Waddington Street and Ainsley Street Durham City (Pages 5 - 30)  
Demolition of existing buildings and erection of 19 no. dwellings.
  - b) 4/12/00637/FPA - 3 The Paddock, Gilesgate Moor (Pages 31 - 46)  
Conversion of garage to living accommodation, side and rear extensions and erection of detached garage.
  - c) PL/5/2012/0305 & PL/5/2012/312 CAC - Westfields, Hawthorn Village, SR7 8SG (Pages 47 - 58)  
Demolition of existing bungalow and erection of two dwellings.
  - d) PL/5/2012/0292 - Land at former Dormand Villa, Ferndale Close, Station Town, TS28 5HL (Pages 59 - 72)  
22 Dwellings.
  - e) 4/12/00112/FPA & 4/12/00113/LB - HM Prison Durham, 19B Old Elvet, Durham, DH1 3HU (Pages 73 - 86)  
Demolition of existing building, construction of new healthcare building, relocation of existing modular building and greenhouse (planning and listed building consent).

4. 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 November 2012

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 and B Wilson

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**Contact: Jocasta Lawton**

**Tel: 0191 383 3679**

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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 9 October 2012 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chair)**

**Members of the Committee:**

Councillors J Bailey, A Bell, J Blakey, J Brown, P Charlton, E Huntington (substitute for Councillor C Walker), J Moran, A Naylor (substitute for Councillor A Laing) and J Robinson

**Apologies:**

Apologies for absence were received from Councillors C Walker, G Bleasdale, S Iveson and A Laing

**Also Present:**

Councillors D J Southwell L Thomson

**1 Minutes**

The Minutes of the meetings held on 11 and 12 September 2012 were confirmed as a correct record and signed by the Chair, subject to Councillor A Bell's apologies being recorded for both meetings (for copy see file of Minutes).

**2 Declarations of Interest**

There were no declarations of interest.

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

**3a 4/12/00637/FPA - 3 The Paddock, Gilesgate Moor, Durham**

The Committee considered a report of the Senior Planning Officer regarding the conversion of a garage to living accommodation, side and rear extensions and the erection of a detached garage at 3 The Paddock, Gilesgate Moor (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

The Principal Planning Officer informed the Committee that Northumbrian Water Ltd had confirmed by telephone earlier in the day that the survey works referred to in the report had been carried out and that any drainage issues which may need to be addressed arising from this application could be dealt with by way of condition.

Councillor Southwell, local Member, spoke on the application. He informed the Committee of the planning history of the site and also of the site opposite the application site, for which a planning application had previously been declined. He informed the Committee that the access road to the site was of a gravel construction and the cost for the road was shared between three properties and expressed concern that construction traffic to the site could lead to the road being damaged. He suggested that access problems could be alleviated by using alternative access at the east of the site.

Problems with sewerage at the entrance of the development had been experienced in the past, and Councillor Southwell expressed concern about drainage issues in the area. He requested that the application be deferred until access issues and drainage issues had been investigated further. This was seconded by Councillor L Thomson, local Member.

The Principal Planning Officer informed the Committee that a letter of objection had been received from Mr and Mrs Peeck. The objector was unable to attend the Committee and had requested that the letter be read out. The Principal Planning Officer read the letter to Committee and Members were provided with a copy of the photograph which accompanied the letter (for copy of letter and photograph see file of Minutes).

The Principal Planning Officer replied to the issues raised by advising that both Environmental Health and Northumbrian Water had responded that in their professional opinion, and following further investigation, issues relating to the proposed hydrotherapy pool and drainage/sewerage issues could be dealt with by way of planning conditions. He also advised that the submitted photograph was not considered to provide any significant evidence to suggest that the officer recommendation should be changed.

Mr J McGargill, Highway Development Manager, Regeneration & Economic Development informed the Committee that the suggested alternative access to the site was from Broomside Lane, which was a major distributor road with approximately 6,000 vehicles per day, half of which were light goods vehicles and HGV's. The alternative access did not have dropped kerbs and there was also a grass highway verge, and the use of the access could lead to potential difficulties around damage to drains and other utilities.

Members of the Committee expressed concerns around site access and also sought greater clarification from Northumbrian Water around the issues of drainage and sewerage issues.

**Resolved:**

That the application be deferred to allow further investigations regarding access to the site and also to allow further clarity to be sought from Northumbrian Water around drainage and sewerage issues.

**3b 4/12/00591/VOC - Former Omnibus and Welfare Club, Front Street, Quarrington Hill, Durham. DH6 4QF**

The Committee considered a report of the Senior Planning Officer regarding the variation of condition 2 of planning application 11/00479/FPA to substitute Wren type housing and amended parking provision together with seeking the removal of s106 obligations at the former Omnibus and Welfare Club, Front Street, Quarrington Hill, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

Ms C Parks addressed the Committee in opposition to the application. The s106 money that was to come from the development was to develop a play area and create public artwork in the Quarrington Hill area, which was in need of such amenities. The residents of Quarrington Hill had faced disruption during the development of the site with temporary traffic lights and parking for site traffic. There may have been stronger objections to the original application if it had been known there were to be no s106 obligations. The developers had commenced construction of the new style of houses before the matter had been brought to Committee, which was unacceptable.

The Principal Planning Office replied that he was aware of the issues in Quarrington Hill, but added that the housing market in the area was difficult and that there was now no profit to be made from the development. The developers had the fallback position to build the houses they already had permission for.

Councillor Blakey expressed concern at the amended parking provision proposed with access onto a fast road and asked whether measures could be introduced to try and slow traffic speeds. She also expressed concern at the proposed removal of s106 obligations as this money was important to the village of Quarrington Hill. Councillor Bailey agreed that the s106 money would be significant to the local community.

Councillor Robinson informed the Committee that while he had some sympathy with the developer, at the same time the problems in the housing market were not the fault of the residents of Quarrington Hill. He moved that the application be approved, but amended so that the removal of s106 obligations was not included. This was seconded by Councillor A Bell.

Mr N Carter, Planning and Development Solicitor, advised the Committee that the existing consent for the site was subject to s106 obligations, and as such, if the

Committee wished to retain the s106 obligations, then the current application should be approved subject to a Section 106 agreement.

**Resolved:**

That the application be approved, subject to the conditions detailed in the recommendations in the report and subject to a Section 106 agreement to provide for Public Art and Public Open Space within Quarrington Hill.

**3c 4/12/00639/FPA - Potterhouse Substation, Front Street, Pity Me, Durham. DH1 5BZ**

The Committee considered a report of the Senior Planning Officer regarding the erection of a telecommunications tower at Potterhouse Substation, Front Street, Pity Me, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

The Senior Planning Officer informed the Committee that although two further objections to the proposal had been received following the additional public consultation requested by the local Member at the previous Committee meeting, these raised no new considerations.

**Resolved:**

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

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	4/12/00595/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 19 no. dwellings
NAME OF APPLICANT:	Gentoo Homes Limited
ADDRESS:	Arriva Bus Depot Site off Waddington Street and Ainsley Street Durham City
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application relates to the existing Arriva bus depot located off the junction of Waddington Street and Ainsley Street in Durham City. The application site is located within the Durham City Centre Conservation Area and the majority of the site is located within the settlement boundary of Durham City as defined within the Local Plan. The rearmost sections of the site are located beyond the settlement boundary and encroach into the designated Green Belt. This rearmost section of land also forms a part of a Site of Nature Conservation Importance also designated within the Local Plan. The wooded, hillside backdrop to the application site is known as Flass Vale which contains several public footpaths, is an Area of High Landscape Value, Local Nature Reserve and contains Maidens Bower Scheduled Ancient Monument. The application site also lies close by but outwith of the Nevilles Cross Battlefield site.
2. The site itself covers an area of approximately 0.6 hectares and comprises of a large depot building of utilitarian design, associated offshoots and hardstands. Some trees are also located within the site where the site starts to blend into the heavily wooded Flass Vale beyond. Access is at the eastern end of the site where Waddington Street meets Ainsley Street.

#### The Proposal

3. This application seeks the redevelopment of the Arriva bus depot site with the demolition of the existing buildings on site and replacement with a residential development. The

application for conservation area consent, purely to demolish the existing buildings on site was approved earlier this year.

4. Arriva propose to relocate their premises to a site at Belmont Business Park. This site at Belmont already has planning permission ready for the proposed move.
5. The proposal for the redevelopment of the existing site seeks to erect a total of 19 no. dwellings, 16 of which would be of a townhouse type appearance all 4 bed properties varying between three and four storeys in height. The highest, four storey, properties are located at the eastern end of the site facing down Waddington Street with the front building line slightly farther towards the highway than the existing depot building. Beyond this frontage of the development, rows of terraced/townhouse dwellings are proposed. Opposite, beyond the highway proposed to run through the centre of the site 3 no. mews properties are proposed together with parking spaces and garages. Associated landscaping and garden areas are also proposed within the development.
6. The application is accompanied by a S106 agreement proposing that the 3 no. mews properties are affordable homes and that a financial contribution of £26,000 is made towards public art projects and £19,000 towards play and amenity space.
7. This application is being referred to Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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8. In 2009 planning permission was granted for the erection of security fencing and gates.
9. In September this year conservation area consent was granted for the demolition of the existing buildings on site though this can only occur if a redevelopment scheme is first granted planning permission.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
12. The following elements are considered relevant to this proposal;
13. *NPPF Part 1 – Building a Strong and Competitive Economy*. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.



14. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Protecting the Green Belt.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
19. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

## REGIONAL PLANNING POLICY

22. *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.
23. In July 2010 the Local Government Secretary signalled 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:
24. *Policy 2 - Sustainable Development* states that planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
25. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
26. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
27. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
28. *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.
29. *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.
30. *Policy 32 – Historic Environment* requires planning proposals to conserve and enhance the historic environment.
31. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
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 E1 - Durham City Green Belt* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
35. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
36. *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.
37. *Policy E7 - Development in the Countryside* advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
38. *Policy E10 - Areas of Landscape Value* is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
39. *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.
40. *Policy E15 - Provision of New Trees and Hedgerows* states that the Council will encourage tree and hedgerow planting.
41. *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.
42. *Policy E18 - Sites of Nature Conservation Importance* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.

43. *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.
44. *Policy E23 - Listed Buildings* seeks to safeguard Listed Buildings and their settings from unsympathetic development
45. *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.
46. *Policy E25 - Nevilles Cross Battlefield* seeks to protect and enhance the battlefield site through not permitting development which would adversely affect the interpretation of the battle, seeking the provision of appropriate interpretation material on the battle site and not permitting development harmful to the Conservation Area or scheduled ancient monuments and archaeological remains.
47. *Policy H2 - New Housing within Durham City* states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.
48. *Policy H5 - New Housing the Countryside* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
49. *Policy H12 - Affordable Housing* seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha.
50. *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.
51. *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.
52. *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.
53. *Policy T21 - Safeguarding the Needs of Walkers* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will

only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

54. *Policy R2 - Provision of Open Space – New Residential Development* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
55. *Policy R11 - Public Rights of Way* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
56. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.
57. *Policy Q3 - External Parking Areas* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
58. *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.
59. *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.
60. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
61. *Policy U5 – Pollution Prevention* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constrain the development of neighbouring land.
62. *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.
63. *Policy U9 - Watercourses* states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.

64. *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.
65. *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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

66. Northumbrian Water have raised no objections to the application subject to a sewer crossing the site being diverted or the proposal redesigned so as to avoid building over the sewer.
67. The Highway Authority initially objected to the proposed layout due to concerns over access/egress visibility, the pedestrian routes, material choices, lack of turning area for service/emergency vehicles at the western end of the site, excessive parking provision and location of bin collection points. Since this time much discussion and negotiation has occurred with a revised layout submitted. Highways are now satisfied that the layout includes a suitable turning area for service/emergency vehicles at the western end of the site. There are still concerns raised with regards to the larger square in the centre of the site and that areas would be used for additional parking resulting in excessive parking within the site.
68. The Environment Agency provided some advice with regards to the diversion of culverted watercourses and it was stated that the diversion of such piped watercourses is ordinarily a straightforward operation.

### **INTERNAL CONSULTEE RESPONSES:**

69. The Councils Senior Low Carbon Officer has stated that the standard 10% energy reduction condition should apply to the application.
70. Design and Conservation provided detailed comments on the originally submitted plans and requested some revisions to the design detailing of the proposed dwellings and means of enclosures. It was also stated that some consideration should be given to the further reduction in height of the properties at the western end of the site. Upon viewing the revised plans submitted during the course of the application Design and Conservation submitted revised comments within which the changes to the house types were welcomed and considered a far better example of a Durham aesthetic. The proposed development is considered to have no impact upon the World Heritage Site.
71. Environmental Health have provided comments on the application and have stated that with regards to potential land contamination both a Preliminary Risk Assessment as defined by Environment Agency guidance CLR11 and a Phase II Intrusive Investigation is necessary to obtain environmental samples, confirm the conceptual site model and

establish whether remediation of the site is required. Environmental Health have also provided advice with regards to site working hours, mitigation of noise and dust and material disposal. Finally, Environmental Health consider that as the site is situated close to a declared air quality management area the application should be accompanied by an assessment of the potential impact of the development upon traffic levels together with measures to mitigate impact on air quality.

72. The Council's Senior Tree Officer raises no objections in principle, however, a series of requests are made to seek more clarity of the precise works to some groupings of trees.
73. Archaeology agree with the recommendations of the submitted desk-based assessment and no objections are raised.
74. Landscape have raised some general reservations over a residential development being sited so close to groupings of trees with the properties likely affected by future leaf fall and future residents potentially requesting the felling of trees. The layout would benefit from the removal of plot 17 and the lowering in height of dwellings at plots 16 and 15 to create a greater buffer to Flass Vale and also ease impact upon it. Concerns are raised that a retaining wall will harm trees 11-20 whilst trees 2 and 3 will be impacted upon during construction works. General requests that further tree retention is made and advice on final landscaping scheme, future maintenance and location of bin stores are made.
75. Planning Policy have raised no objections to the principle of the development. But within Durham City 20% affordable housing is sought on a scheme of 15 dwellings or over.
76. Ecology have raised no objections, the submitted ecology report considered acceptable. Mitigation measures recommended within the report should be conditioned on any approval.
77. Asset Management have supplied comments on a development appraisal submitted with regards the proposal. The figures submitted in terms of build costs, incomes, abnormal costs etc are considered to be accurate. It is noted that only 3 affordable units are proposed and have queried the planning departments view on this. The land offer will between Arriva and the developer will be critical though the scheme should remain profitable with an additional affordable home provided. Comments have also been provided on a financial report submitted providing a breakdown of the costs associated with Arriva moving to the site at Belmont. Though it is considered a quantitative surveyor would be best placed to provide detailed comments, as all costs are clearly broken down within expected parameters there is no clear reason to dispute it.
78. Although the comments were received prior to the submission of the formal application during more informal discussions, the Council's Head of Transport and Contract Services previously issued a response in support of the relocation of the Arriva bus depot and redevelopment of the site. The Head of Transport and Contract Services stated that local residents have complained over a number of years with regards to noise, air quality, unsociable hours of work etc. However, also of significance is the impact the location of the depot has on the bus network. The unsuitable nature and location of the existing premises has a direct detrimental impact upon the operation of buses across the County. The move from Waddington Street would result in clear, demonstrable benefits to bus services on logistical and operational grounds. A partnership is being setup between Arriva and the County Council transport service to improve reliability and punctuality and the move to Belmont is seen as a key element.

## **PUBLIC RESPONSES:**

79. In total three letters of representation have been received.
80. The City of Durham Trust considers that the residential development is arguably preferable to the existing bus depot, however, the convenient access has been lost and there is a lack of the full affordable housing. It is suggested that mansard roofs are proposed to 3 storey properties to reduce height somewhat. It is assumed that developers are aware of the geology of the site and being within the catchment area for the Milneburn.
81. The Friends of Flass Vale consider that the houses are too close to Flass Vale at the western fringe with the potential to harm wildlife and would create too great an impact due to the 3 storey nature. Gardens encroach into embankments on the south west side which could alter the water table of trees, harm roots and present danger to the health of trees which will also lead to pressure for removal. It is stated that a mains sewer and culverted stream pass through the site and it is already overloaded at present. Care should be taken to provide adequate capacity for extra buildings so as to not cause more damage within Flass Vale and the watercourses. The proposed planting and fencing schemes are considered to be good though there is opportunity to enhance the entrance to Flass Vale on the Kingslodge Hotel side. The Friends of Flass Vale state that they are happy to enter into discussions regarding future maintenance of the woodland.
82. The MP has commented on the application and considers that the development seems high density and that they would feel more comfortable with the development if greater open space remained. A reduction in height to western edge of site would be beneficial, appropriate materials are essential. It is considered that a covenant should be added to the site so that the dwellings cannot be converted into HMOs. Working hours on site should be controlled and the removal of waste should be carefully planned to avoid pollution. Finally efforts should be made to persuade the developer to provide the full affordable requirement.

## **APPLICANTS STATEMENT:**

83. The applicant has submitted a design and access statement, summary statement, heritage statement, statement of community involvement and affordable housing statement and wider benefits statement.
84. In terms of the principle of the development, it is acknowledged that a part of the site is located beyond the settlement boundary within the designated Green Belt. However, reference is made to elements of the NPPF which lend support to the redevelopment of previously developed sites in the Green Belt.
85. The applicant considers that the layout and design of the development has sought to take into account the setting of the site adjacent to Flass Vale, the Green Belt, the Conservation Area and other heritage assets. The replacement of the existing utilitarian bus depot buildings with a high quality residential development is considered to enhance the character and appearance of the Conservation Area.
86. Much supporting documentation focuses upon the provision of affordable homes within the development. Initially the application was submitted with no affordable homes proposed. The basis for this relates to the history of the site and emergence of the development proposal from Gentoo. The City of Durham Local Plan Policy H12 does not require affordable homes to be provided until the threshold of 25 no. dwellings. In



addition a Site Development Guidance Note produced by the Council with regards to the site stated that affordable housing requirements would be in line with the 25 no. dwelling threshold detailed within the Local Plan.

87. It was on the basis of this information that the development was initially devised and the negotiation between Arriva as land owner and Gentoo as developer was based. Since the request for a 20% affordable housing provision has been received Gentoo have had to renegotiate with Arriva and reduce the development profit margin.
88. It is considered that the presently proposed scheme with 3 no. affordable units equating to 16% affordable housing is the best which can be achieved otherwise it is considered that the development proposal could not be realised and the land owner Arriva would look elsewhere for a development partner which would more than likely be a high density student development. The applicant emphasises that a student development which would be the likely alternative to this proposal would be unpopular in the community.
89. Emphasis is also placed on the wider benefits of the move of the bus depot to Belmont with reference made to the noise, disturbance and emissions caused by the bus depot. The development would provide an economic boost to the construction industry and local economy.
90. Details of responses to a public exhibition are supplied with the application and these demonstrate that the majority of respondents were in favour of the proposed redevelopment.

*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://217.23.233.227/WAM/SHOWCASEFILE.DO?ACTION=SHOW&APPTYPE=PLANNING&APPNUMBER=4/12/00595/FPA>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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91. 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, impact upon the character and appearance of the area, impacts upon the openness of the Green Belt, impacts on residential amenity, impacts on highway safety, affordable housing and ecology.

### The Principle of the Development

92. The vast majority of the application site lies on undesignated land within the Durham City settlement boundary. The site comprises of previously developed land. The application site is located close to Durham City Centre, its array of services, the train station and bus station.
93. The development of this parcel of land is considered to constitute a suitable reuse of previously developed land within a sustainable location and as a result the development of the vast majority of the site is wholly in accordance with Policy H2 of the Local Plan, Policies 2 and 4 of the RSS and the aims of sustainable development running through the NPPF.

94. Part of the application site lies beyond the settlement boundary of Durham City and within the designated Green Belt. Policy E1 of the Local Plan advises that development within the Green Belt is inappropriate unless it is for one of the following purposes; agriculture/forestry; essential facilities for sport and recreation and other uses which retain the openness of the Green Belt; redevelopment at designated major developed sites within the Green Belt; replacement dwellings; residential extensions or conversions.
95. The proposed development does not fall within one of the above categories of development and therefore must be considered a departure from the policy and also policies E7 (development outside settlement limits) and H5 (housing in the countryside) which also seek to protect the countryside from residential developments.
96. However, applications must be considered against the provisions of the NPPF and where there is conflict with the current Local Plan, the NPPF essentially takes precedence. Part 9 of the NPPF relates to the Green Belt and states that the redevelopment of previously developed sites whether redundant or in continuing use can be considered appropriate development where they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The section of land which is within the Green Belt would contain the dwellings on plots 13-16 and associated garaging and garden spaces. It is not considered that this development would have an impact so above and beyond the rear most sections of the existing bus depot building that it would harm the openness of the Green Belt or indeed conflict with the purposes of including land within it.
97. Furthermore Part 6 of the NPPF relating to housing advises against isolated residential development. Although a section of the application site is beyond the settlement boundary of Durham City it remains immediately adjoined to the built up area and cannot be considered to be isolated.
98. As a result, the principle of the redevelopment of the site for the purposes of residential development is considered acceptable.

#### Impact Upon the Character and Appearance of the Area

99. The application site lies within the Durham City Centre Conservation Area. Policies E6 and E22 relate to the Conservation Area and seek to ensure a high quality design in proposals that are appropriate to Durham City and preserves or enhances its character, appearance and setting. Policy Q8 of the Local Plan advises on the layout and design of residential development and Policy H13 seeks to ensure that new developments in residential areas are appropriate to the character of the area. Policy 8 of the RSS seeks to protect and enhance the environment and requires new development to be of high quality and maintain local distinctiveness. Part 7 of the NPPF advises on the design of new development.
100. The existing bus depot is a utilitarian warehouse building of very little merit. Due to the lack of contribution the building makes to the Conservation Area the previously submitted application for conservation area consent to demolish the building has been approved (subject to a condition preventing demolition until an acceptable redevelopment scheme has gained planning permission).
101. Officers consider that the redevelopment of the site with a high quality residential development, more in keeping with the local area, would enhance the character and appearance of this particular part of the Conservation Area. The proposed layout and house types have been revised with Officer direction during the course of the

application. The proposed housetypes are now considered to better reflect the Durham vernacular with feature timber bays, steeply pitched roofs and chimneys. Design and Conservation have commented on the revised plans and considered the designs far more appropriate than those originally submitted.

102. The housetypes proposed vary between 3 and 4 storeys with the 4 storey properties being on the site frontage. Although these properties are relatively high and higher than the bus depot building, the height of the properties at the end of Waddington Street coupled with the slight raise in land levels into the application site, is considered to mitigate impact.
103. The layout for the development incorporates a largely linear approach, essentially dictated by the shape of the site and steep embankments adjacent. However, this approach respects the local area which predominantly comprises of terraced properties arranged in straight lines.
104. Subject to the appropriate use of final materials and landscaping which can be conditioned the development is considered to represent a quality scheme suitably sympathetic to the local area which would enhance and preserve the character and appearance of this part of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the design character within the conservation area it is considered necessary to remove some elements of permitted development to avoid incongruous additions harming the character of the area.
105. Flass Vale which lies adjacent to the site is a designated Area of High Landscape Value. Policy E10 relates to such areas and seeks to ensure that developments which may affect such areas respect their setting and harmful development will be resisted.
106. The Friends of Flass Vale, a community group which seeks to protect and enhance the area, the City of Durham Trust and the MP have all raised some concern on the proximity and height of the dwellings closest to the Flass Vale. Similar points on the height and proximity of some dwellings have been raised by the Councils Landscape team.
107. However, it is considered that the proposed layout and housetypes would maintain an acceptable visual impact upon the setting of Flass Vale. It is acknowledged that the proposed properties are higher than the existing bus depot. However, at ground level the rear of the site closest to Flass Vale will be largely screened from Ainsley Street/Waddington Street by the front most properties. A benefit of the layout utilising straight lines is that once within the development views are opened up more than at present, due to the width of the depot building, towards Flass Vale beyond. When within Flass Vale itself walking the public footpaths the tree cover is so dense it is not considered that the proposed dwellings at the proximity and height sought would appear prominent or harmful when viewed from the north and west.
108. A key view of the site can be seen when entering/leaving Durham on the train travelling over the viaduct. Although the increased height of the dwellings will essentially screen views of some trees within Flass Vale a little more so than at present officers consider that this is compensated for by the generally improved aesthetic of the residential properties rather than the bus depot.
109. Policy E14 of the Local Plan relates to the protection of trees whilst Policy Q8 similarly looks to retain trees where possible to add maturity and quality to developments. Some trees within the application site are covered by the Flass Vale TPO 1973.

110. The Councils Senior Tree Officer raises no objections in principle, however, a series of requests are made to seek more clarity of the precise works to some groupings of trees.
111. The Councils Senior Landscape Architect raises some general concerns on the proximity of properties to trees and the impact of leaf fall and potential requests for future felling. Requests are also made that further efforts are made to reduce the number of trees sought for felling; concerns are also raised on the impact of a retaining wall proposed in rear garden areas upon trees and the impact of construction works upon some trees.
112. The Friends of Flass Vale have expressed concerns over the impact of the development upon trees particularly those on the embankment to the south western side of the site.
113. The submitted tree report states that it is proposed to remove 10 no. individual trees together with further removals required within groupings of trees. The applicant has responded to the specific concern of the Senior Landscape Officer on the impact of a retaining wall to rear of properties and has produced a redesign to step rear gardens to reduce impacts upon roots.
114. Although several trees will have to be lost to facilitate the development officers do not consider that the scale of this tree loss is so great as to be significantly harmful the character or appearance of the area. Conditions can be attached on any approval to agree precisely the tree works sought, protection measures for those to be retained and a compensatory landscape plan. The site is surrounded by densely wooded embankments and officers consider that the loss of some trees to facilitate the development will, in such a wooded setting, not be significantly harmful to the character of the local area.

#### Impacts upon Residential Amenity

115. Proposed residential developments must ensure the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved in accordance with the most relevant Local Plan Policies H13 and Q8.
116. The majority of relationships between the properties on the proposed layout accord with the separation distance guidelines of Policy Q8 to ensure adequate privacy and amenity. Significant distances exist between the frontage properties and those existing at the end of Waddington Street, whilst the majority of front and rear elevations within the remainder of the development face wooded embankments or the curtilage of the Kingslodge Hotel also screened by landscaping.
117. Some specific relationships within the site are slightly more intimate for example between plots 3 and 5 where separation distance between windows are down to 16.5m rather than 21m (as specified in the local plan) and between plots 10 and 11 where the front building line of plot 11 extends significantly beyond that of plot 10 at close proximity. However, some compensatory design solutions are proposed with the gable end of plot 11 to contain some recessed bricked up windows to retain greater privacy. Ultimately as these are relationships between proposed properties, prospective occupiers will be able to determine for themselves whether those specific relationships are satisfactory. No relationships within the development site itself are considered to be inadequate to point of warranting strong objection from officers. The view could also be taken that in the nearby historic streets; reduced separation distances on Terraces are accepted being part of the intrinsic character, allowing some flexibility on this new build scheme.

118. Beyond the application site neighbouring properties are either located a significant distance from the proposed development or well screened. Flass House is the closest residential property to the development but due to the orientation of the properties, location of windows, presence of screening trees and changes in levels the relationships between Flass House and the proposed properties are considered acceptable.
119. Officers therefore consider that impacts of the development upon the residential amenity of existing and proposed residents are acceptable.

#### Affordable Housing

120. A further key issue with regards to the application is the provision of affordable housing, a matter which has been discussed and negotiated upon significantly during the course of the application. Matters with regards to affordable housing are raised by the City of Durham Trust and the MP in their responses to the application.
121. The application was initially submitted without any affordable housing proposed. Essentially the basis for this relates to the lengthy history of the formation of the development proposal. The City of Durham Local Plan Policy H12 does not require affordable homes to be provided until the threshold of 25 no. dwellings. A Site Development Guidance Note produced by the Council with regards to the site stated that affordable housing requirements would be in line with the 25 no. dwelling threshold detailed within the Local Plan.
122. Gentoo initiated negotiations with Arriva on the land deal inline with the above advice and Arriva furthered their relocation plans also on this basis.
123. However, the formal application has much more recently been received and the present stance with regards to affordable housing based upon the most up to date evidence base contained within the Strategic Housing Market Assessment (SHMA) is that 20% affordable housing provision is required in Durham City on sites proposing 15 dwellings or more because of the housing need.
124. Negotiation between Gentoo as applicant, Arriva as land owner seeking to relocate and planning officers thus occurred with regards to affordable housing. Officers have acknowledged that Gentoo and Arriva will have undertaken significant negotiation in the past on the basis that no affordable housing was being sought at the site. However, with the formal application being considered at the present time and in light of the SHMA evidence base, no significant weight can be attributed to these previous stances with regards to affordable housing. Officers therefore advised the applicant that the site must include affordable housing to comply with the most up to date evidence base.
125. The result is that the applicant considers that the provision of 3 affordable units onsite comprising of 3 no. mews properties representing a 16% affordable provision is the effectively the best offer they can make without the agreement with Arriva and thus the proposal collapsing.
126. As is now standard practice in affordable housing discussions officers have requested development appraisal submissions from the applicant and in addition a costs breakdown of the proposed move of Arriva to Belmont. The figures submitted with regards to costs and incomes are considered accurate with colleagues in Asset Management providing advice on this.
127. The site within the heart of Durham City carries a high land value and incomes from the development are likewise high for the predominantly large and high quality homes proposed.

128. The applicant considers that a further affordable unit would render the land deal with Arriva unacceptable and the residential proposal would therefore not come into fruition so the proposal is considered on a 16% affordable basis. .
129. There is clearly a risk that this development would fall through bearing in mind that Arriva would more than likely to receive highly competitive offers from other developers most notably student accommodation providers. This point has been raised by the applicant and the point of view that a residential development with 3 no. affordable homes being provided at the site is better than no residential development at all.
130. This is a reasonable point of view but equally there is absolutely no guarantee that should this development not gain planning permission that an alternative development potentially involving an alternative applicant could not produce a layout proposing 20% affordable housing and also remain acceptable with the landowner. The Local Planning Authority cannot be agreeing that reduced affordable housing is provided solely because of an indeterminate concern that an alternative development use for the site that does not propose any affordable housing at all could emerge in the future.
131. However, there do remain other wider benefits to the residential redevelopment of the site which this proposal could provide and these should be considered in the balancing of the arguments.
132. The development itself is considered to be of high quality and officers do consider that the character and appearance of this part of the Conservation Area would be enhanced by the demolition of the depot and replacement with this residential development.
133. The bus depot has been a “nuisance neighbour” for local residents for a number of years and it is understood that the proposed relocation of the bus depot was first initiated due to the complaints of local residents. Although widespread support for the formal application has not been received from local residents it is understood that the public consultation exercise was largely welcomed by most that attended and commented. Significant support for the relocation of the bus depot has previously been received from the Councils Head of Transport and Contract Services. Not only are the benefits to immediate residents mentioned within this response but also the wider benefits to the bus service as a whole. The location and nature of the existing bus depot site results in inherent inefficiencies at present. The movement to the Belmont site would improve the bus services operationally and logistically. The impact of the proposed move would, it is considered by the Councils Head of Transport and Contract Services, be significant and immediate.
134. In drawing to a conclusion on the provision of only 3 no. affordable homes (16%) as oppose to providing the full 20% through 4 no. units there is much to consider.
135. Looking at the sheer facts and figures of a development appraisal officers consider that the full 20% provision could be made and the development remain viable for the applicant. The applicant is adamant that the proposal would collapse if any further affordable housing were sought at the site. Credence can be given to the view that it is beneficial for affordable housing provision across the County for residential developments to come forward with reduced affordable provision if the alternative is that the development would simply not occur.
136. In this instance this cannot be proven to be the case, however, likely as the applicant states that it is. However, there are wider arguments in support of the development namely the enhancement of the Conservation Area and the benefits of the relocation of

bus depot both to immediate residents but also to efficiency of bus service provision County wide.

137. On balance officers conclude that support can be offered to the development taking into consideration all of these factors cumulatively despite the development delivering 1 no. fewer affordable homes than current policy requires.

### Highways Issues

138. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also seeks to promote sustainable transport choices.
139. The layout for the proposed development has been revised during the course of the application. The Highway Authority raised a number of concerns with the originally submitted layout regarding matters of access/egress visibility, the pedestrian routes, material choices, lack of turning area for service/emergency vehicles at the western end of the site, excessive parking provision and location of bin collection points.
140. Following further discussion and submission of revised plans some of the concerns of the Highway Authority have been resolved namely that regarding visibility, lack of turning area for service/emergency vehicles and location of bin collection points. It must be noted that the Highway Authority do not remain wholly satisfied with the layout with excessive parking still considered likely due to the large turning facility towards the centre of the site and linked to this the proposed material choices.
141. Officers can add conditions to any approval to agree final hard surface material choices for the development, which are also a concern of landscape colleagues, to ease the concerns and this would likely help with the concerns over the potential of some areas being inappropriately used for additional parking. Ultimately officers do not consider that the potential for additional parking in certain areas of the site is so great or demonstrably harmful that it warrants a strong objection from the Local Planning Authority.
142. As a result officers consider that whilst acknowledging the Highway Authority's outstanding concerns impacts upon highway safety remain acceptable having regards to the content of Policies T1 and T10 of the Local Plan, Policy 7 of the RSS and Part 4 of the NPPF and that refusal of the application on highways grounds would not be reasonable.

### Ecology

143. With regards to matters of ecology the proximity of the site to the Flass Vale Site of Nature Conservation Importance and Local Nature Reserve is noted. 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. This aim is replicated through the NPPF most notably at paras. 118 and 119. Policy E18 of the Local Plan relates specifically to Sites of Nature Conservation Importance and seeks their protection. The Friends of Flass Vale have raised concern at the potential for the development to harm wildlife.
144. The application has been accompanied by an extended phase 1 habitat survey and bat risk assessment. No evidence of badgers or reptiles on or in the immediate vicinity of the site were found. Some birds nests were found within the buildings though no evidence of breeding birds. No evidence of roosting bats were found though there is

low potential to support roosting bats. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. It is not considered that a license from Natural England would be required to implement the development and as a result it is not considered that the Local Planning Authority must consider a detailed assessment against the 3 no. "derogation tests" of the Habitats Directive.

145. Ecology have supplied comments with regards to the application and no objections have been raised with regards to the impact of the development at the site, impacts upon Flass Vale or the content of the submitted ecology report. It is recommended that the mitigation recommendations are conditioned on any approval.

#### Other Issues

146. The S106 agreement submitted with the application as well as proposing the 3 no. affordable units also proposes a £26,000 contribution towards public art as required by Policy Q15 of the Local Plan and £19,000 towards play/recreational space as required by Policy R2 of the Local Plan.
147. Environmental Health have submitted comments on the application with regards to a number of issues. With regards to contaminated land to which Policy U11 of the application was accompanied by a geotechnical appraisal. Environmental Health consider that an intrusive investigation would be required and a condition could be attached to any approval to require these work to be undertaken. Environmental Health advise on matters of noise and dust mitigation, material disposal and appropriate working hours. A condition with regards to appropriate working hours could be attached to any approval. Finally, Environmental Health consider that as the site is situated close to a declared air quality management area the application should be accompanied by an assessment of the potential impact of the development upon traffic levels together with measures to mitigate impact on air quality. However, in this particular instance it must be taken into consideration that the existing use of the site is a bus depot with many comings and goings of buses throughout the day. The traffic levels and likely impact on air quality of the proposed residential development will, if anything, be more than likely less significant than the present use of the site. Therefore further investigation into this matter is not considered to be necessary.
148. Similarly a condition can also be attached to ensure that a 10% carbon emission reduction occurs through the development as required by Policy 38 of the RSS and requested by the Councils Senior Low Carbon Officer.
149. The application was accompanied by a desk based archaeological assessment, officers noting the proximity of the site to both the Nevilles Cross Battlefield and also Maidens Bower ancient monument. The submitted desk based assessment states that the site lies outside of the medieval development of Durham, that Maidens Bower is at too greater distance away to likely be of any archaeological concern and likewise no concerns are raised with regards to Nevilles Cross Battlefield. The assessment concludes that no further scheme of archaeological works is required and the Council's Senior Archaeologist has in their comments agreed.
150. Other heritage assets are located within the vicinity of the application site including the listed Durham Miners Hall located approximately 85m to the south and the listed viaduct approximately 160m to the east. Given the separation it is not considered that the development would have any impact upon the special character or setting of these buildings. Likewise the World Heritage Site itself is considered to remain unaffected by the development with no harm caused by the development through either views to or from the peninsula.



151. Some public comment in relation to the development relates to the matters concerning drainage at the site and the fact that a mains sewer and culverted stream pass through the site and it is believed these are already overloaded. Northumbrian Water have been consulted on the application and no objections have been raised although the sewer will need to be diverted and a condition on any approval can cover this. Similarly the applicant has submitted a drainage and utilities statement with the application stating that the intention is to divert the piped watercourse under the site. Officers have discussed the practicalities of this with the Environment Agency and the Environment Agency have stated that the diversion of an already culverted watercourse is ordinarily a straightforward operation. As a result it is considered that a condition requiring agreement to be reached over the appropriate means of diverting the piped watercourse with the LPA and the Environment Agency can resolve this matter. No objections are therefore raised with regards to matters of drainage or flooding having regards to Policies U8A and U9 of the Local Plan.
152. The MP in her comments on the application stated that a covenant should be added to the site so that the proposed properties cannot be converted into HMO properties. Covenants cannot be applied to planning permissions, although potentially the permitted development rights to remove the ability for the properties to change from a C3 to a C4 use class without first requiring planning permission could be done via condition. However, the removal of permitted development rights when removed via condition should only be undertaken when they meet “the tests” for applying conditions as outlined in the relevant circular which includes the test of being necessary. The consideration of the impact of HMOs within Durham City is being considered further at present and indeed there was relatively recently a public consultation event undertaken on whether an Article 4 direction removing the permitted development rights for changes of use to HMOs should be applied in certain areas of the City. As consideration of these matters at a strategic level is still being undertaken officers consider that it is not clear that there is a substantiated policy need for preventing HMO creation under permitted development. As a result, officers do not consider that the application of a condition removing permitted development rights preventing a change of use from C3 use to C4 should occur at the site. The applicant, however, has stated within their supporting statement of community involvement that the development is aimed at families and that they are separately investigating measures to control the occupation of the dwellings.
153. The Friends of Flass Vale within their comments on the application have stated that they are happy to enter into discussions with the applicant to help with ongoing management of the woodland at Flass Vale. The applicant has in their documentation also stated that they are happy to continue to discuss management issues with the Friends of Flass Vale.

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## **CONCLUSION**

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154. The application seeks the redevelopment of the Arriva bus depot with a high quality residential development. The proposed development is considered to be an appropriate use of the land in principle even those sections of the land that lay within the Green Belt and out of the Durham City settlement boundary.
155. The proposal would create a traditional residential development in keeping with the Durham vernacular and enhance the character and appearance of the Conservation Area.

156. The proposal seeks the provision of 3 affordable units on site which is one unit less than necessary to meet the 20% provision which is sought within Durham City. Whilst clearly finely balanced on this particular occasion officers do consider that there are exceptional circumstances relating to the wider benefits of the relocation of the bus depot for residential amenity reasons and redevelopment of the site with a high quality residential development that allow for the proposal to gain officer support.
157. No objections warranting refusal of the application are raised with regards to all other material planning considerations including but not restricted to highway safety and residential amenity.
158. Approval of the application is therefore recommended.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 agreement to secure:

- i. The provision of 3 no. affordable homes onsite
- ii. A contribution of £19, 000 for recreational and play space
- iii. A contribution of £26, 000 for public art

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 nos.

GEN/34A/002(P5)

GEN/34A/003(P4)

GEN/34A/004(P4)

GEN/34A/005(P4)

GEN/34A/006(P4)

GEN/34A/007(P4)

GEN/34A/008(P4)

GEN/34A/009(P5)

GEN/34A/010(P5)

GEN/34A/011(P5)

GEN/34A/012(P5)

GEN/34A/013(P2)

1434.5.1 Rev A received 25<sup>th</sup> October 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E1, E3, E6, E7, E10, E14, E15, E16, E18, E22, E24, E25, H2, H5, H12, H13, T1, T10, T21, R2, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U9, U11, U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials and details of the colour treatment of timber bay windows have been

submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22 and Q8 of the City of Durham Local Plan 2004.

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

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22 and Q8 of the City of Durham Local Plan 2004.

5. Notwithstanding the information shown on the submitted plans, full details of proposed privacy screens to be situated between the balconies of properties shall be submitted to and approved in writing by the Local planning authority before the development commences. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with Policy Q8 of the City of Durham Local Plan 2004.

6. Notwithstanding the information shown on the submitted plans the buildings hereby approved shall be constructed with dry pointed verges to the walls and shall not include the use of bargeboards/fasciaboards.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22 and Q8 of the City of Durham Local Plan 2004.

7. Prior to the commencement of the development details of all 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: In the interests of the appearance of the area and to comply with Policies E6, E22 and Q8 of the City of Durham Local Plan 2004.

8. 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, D and E of Part 1 of Schedule 2 of the said Order shall be carried out at plots 1-4 (inclusive).

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22 and Q8 of the City of Durham Local Plan 2004.

9. 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 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 appearance of the area and to comply with Policies E6, E22, Q5 and Q8 of the City of Durham Local Plan 2004.

10. Prior to the commencement of development precise details including a plan shall be submitted to the Local Planning Authority clearly identifying which trees and hedges that 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 of 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 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.

11. Notwithstanding the information shown on the submitted plans, full details of the materials to be used in the formation of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and highway safety having regards to Policies E6, E22, Q8, T1 and T10 of the City of Durham Local Plan 2004.

12. 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.

13. 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 of the dwellings.

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.

14. Notwithstanding the information submitted and prior to works commencing, a detailed scheme for the diversion of both the mains sewer and culverted watercourse which cross the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Environment Agency and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of adequate drainage and the prevention of flooding having regards to Policies U8A and U9 of the City of Durham Local Plan 2004.

15. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 2pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

16. No development shall take place unless in accordance with the mitigation detailed within Section 5 "Recommendations" of the protected species report undertaken by Eco North received 17<sup>th</sup> July 2012.

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

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## **REASONS FOR THE RECOMMENDATION**

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1. The development is considered to represent the efficient use of a previously developed plot of land, the majority of which lies within the settlement boundary of Durham City. Part of the application site is located within the Green Belt and as a result the development does represent a departure from Local Plan Policies E1, E7 and H5. However, the redevelopment of previously developed land within the Green Belt is considered to accord with the provisions of the NPPF and the principle of the development remains acceptable. It is considered that exceptional circumstances apply to the site and proposal that permit the slightly reduced affordable housing provision. No significant objections are raised with regards to other key issues of highway safety, impacts on visual amenity and residential amenity. The development is considered to accord with Policies E3, E6, E10, E14, E15, E16, E18, E22, E24, E25, H2, H12, H13, T1, T10, T21, R2, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U9, U11, U14 of the City of Durham Local Plan 2004.

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, the City of Durham Local Plan 2004 and the provisions of the National

Planning Policy Framework. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010.

2. In particular, the reduced provision of affordable housing proposed is considered to remain acceptable as there are considered to be finely balanced exceptional circumstances to allow the development to proceed.
3. Three letters of representation have been received. All comments raised have been duly considered within the application the matters pertaining to points raised discussed within the report. It is not considered that any of the objections/concerns raised justify the refusal of the application having regards to all material planning considerations.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

Regional Spatial Strategy

National Planning Policy Framework

Internal consultee responses

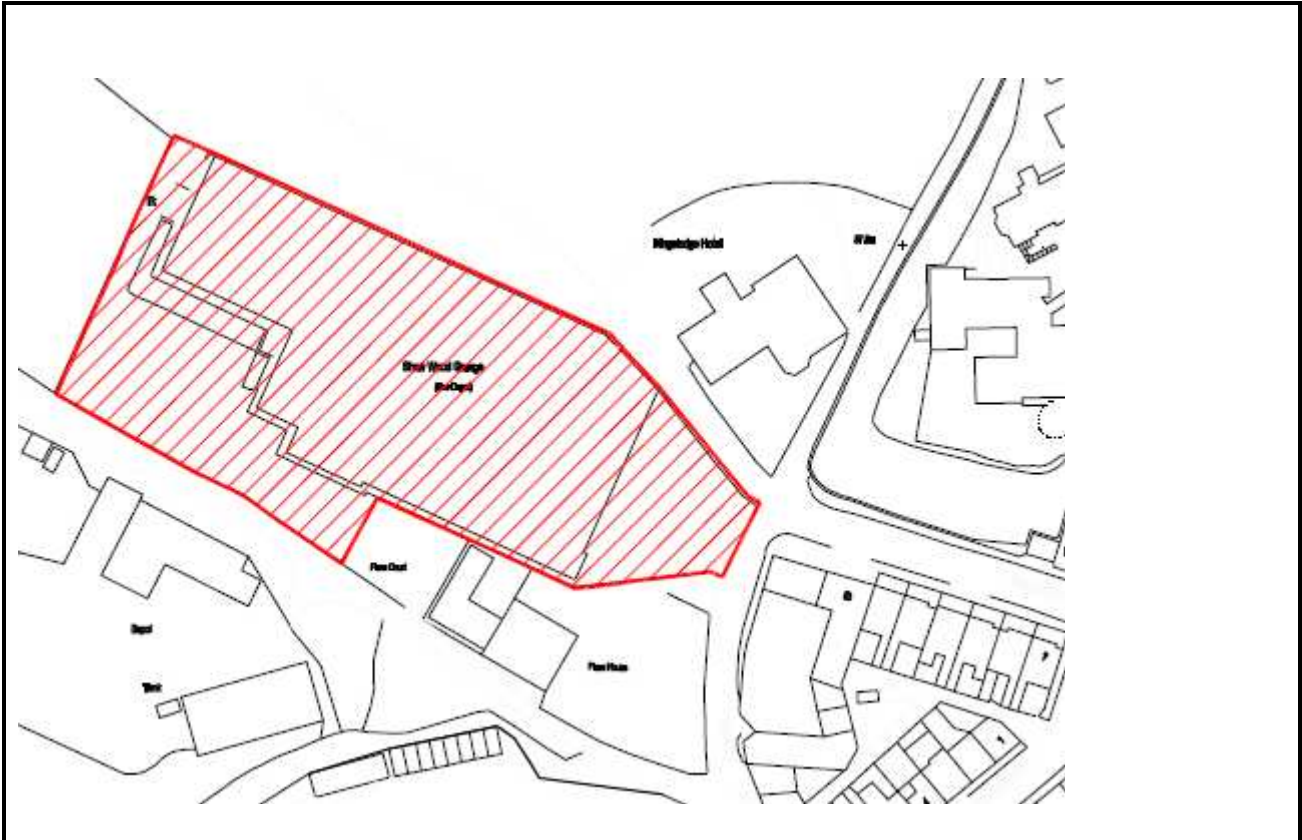
Public responses


Responses of the Highway Authority, Northumbrian Water and Environment Agency

Planning Circular 11/95

Strategic Housing Market Assessment

County Durham Local Plan (Preferred Options)



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Demolition of existing buildings and erection of 19 no. dwellings</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Date 13<sup>th</sup> November 2012</b></p>	

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## Planning Services

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	4/12/00637/FPA
FULL APPLICATION DESCRIPTION	CONVERSION OF GARAGE TO LIVING ACCOMMODATION, SIDE AND REAR EXTENSIONS AND ERECTION OF DETACHED GARAGE
NAME OF APPLICANT	MS HOWARD
SITE ADDRESS	3 THE PADDOCK, GILESGATE MOOR
ELECTORAL DIVISION	GILESGATE
CASE OFFICER	Laura Eden 03000263980 dmcentraleast@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSAL

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*This application was previously considered at the Area Planning Committee (Central and East Durham) meeting held on 9 October 2012. A decision was deferred to allow for further investigations regarding access and drainage issues. These investigations are now complete, and the application is being referred back to committee for further consideration. The report incorporates an additional section to cover the updated details, entitled **Supplementary Information**. Other minor changes to the original report are highlighted using **bold italics**.*

Site:

1. The application site relates to a large detached bungalow situated within a gated residential development comprising of two other similar properties. The property is accessed from Willowtree Avenue that lies to the west. The front elevation of the property is south facing and looks onto the rear of several properties in Rowan Tree Avenue. To the east is a large side garden that adjoins onto a triangular area of paddock land associated with the property. To the north is more garden land that looks out onto the classified Broomside Lane with the industrial estate behind that. The property currently benefits from landscaped gardens throughout and a side conservatory that would be demolished to make way for the proposed development.

Proposal:

2. Full planning permission is sought for the conversion of the garage to living accommodation, side and rear extensions and the erection of a detached garage. The development would be constructed from materials to match the existing property however white render and western cedar boarding are also proposed.

3. The existing attached double garage would be converted into carers living accommodation comprising of lounge, kitchen, bathroom and bedroom facilities. The garage door would be bricked up and two new windows of similar proportions to the existing property would be inserted. To the rear a small kitchen window is proposed adjacent to an existing external door.
4. To the side the existing conservatory would be demolished and replaced with an extension measuring 7.37 metres wide by 6.5 metres deep set back 0.6 metres from the principle elevation. The overall height of this aspect of the development would be 4.5 metres and 2.4 metres to the eaves. This part of the development would provide an additional bedroom, ensuite facilities, a utility room and store area.
5. To the rear a small extension to the existing accommodation is proposed to provide a larger bedroom and bathroom projecting 1.7 metres inline with the existing side gable. From this it is proposed a new hydrotherapy pool room and associated plant and changing room facilities would be built. It would roughly measure 12.4 metres by 6.4 metres. It would have an overall height of 3.8 metres and would be set in 5.4 metres from the shared boundary. This aspect of the development would benefit from two full length windows that would face towards the shared boundary and it would be constructed from a mixture of facing brickwork to match, western cedar boarding and white render.
6. To the front of the property a detached garage is proposed measuring 6.5 by 5.1 metres. It would have an overall height of 4.25 metres and 2.4 metres to the eaves. It would be accessed from the house by a covered walkway constructed from white painted fascia boarding, and would replace the garage facility lost through the conversion works.
7. Large areas of patios and walkways are proposed which would be raised by no more 0.2 metres to enable level access from the property to the garden. Furthermore, to accommodate the development some trees would have to be removed however the current boundary screening between 2 and 3 The Paddocks would remain.

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## **PLANNING HISTORY**

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01/00818/OUT – Outline application for residential development refused at committee on 25/03/2002 however later allowed on appeal 26/02/2002

03/00389/RM –Application for approval of reserved matters for the siting, means of access and landscaping in respect of the erection of 3 no. detached dwellings approved 14/08/2003

03/01092/RM – Application for approval of reserved matters for the design and external appearance in respect of the 3 no. detached bungalows approved 19/12/2003.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning

policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

10. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>*

## REGIONAL PLAN POLICY

11. *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.*
12. In July 2010 the Local Government Secretary signalled 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.

## LOCAL PLAN POLICY:

### City of Durham Local Plan

13. 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.
14. Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.
15. 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.

16. 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.

*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=7534>*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

17. Parish Council – Concerned at the degree of disturbance that will be caused to residents. Would like to see construction monitored to ensure appropriate working hours and that the site is restored to its original state.
18. Cllr Southwell – Concerned over density of the development and highway issues. Requests the application is determined at committee.
19. Cllr Thomson – Objects on the grounds that the proposal is detrimental to the community and visual amenity. Requests that the application is determined at committee.
20. Northumbrian Water – Recommend the imposition of a condition relating to a scheme for the disposal of foul and surface water including details of how the hydrotherapy pool is to be drained. Provided information on the contact person and process for requesting discharge into the public sewer network. Acknowledge the concerns of local residents regarding sewer flooding and advise that survey work is currently being undertaken to rectify the problem and will also help inform any future discharge of condition request. ***Since the original report was written the survey work has been completed. Further comments have been received in relation to drainage from Northumbrian Water and are addressed in more detail in the Supplementary Information section of the report.***

### INTERNAL CONSULTEE RESPONSES:

21. Highways – No highways objection raised to proposed development. Would object to the creation of a temporary works access onto the classified Broomside Lane on highway safety grounds as it is a main distributor route. ***Following members' concerns in relation to highway matters further comments have been received from the Council's highways section and are addressed in more detail in the Supplementary Information section of the report.***
22. Trees –It was clear that trees would be lost during the construction therefore request a suitable replacement landscaping scheme and also that the hedge that runs along the western boundary is protected during construction works.
23. Environmental Health – Originally requested details to be provided upfront in relation to noise produced by the plant in connection with the hydrotherapy pool in addition to

details of extraction and filtration systems. Following liaison between this section and the agent Environmental Health are happy to see these issues dealt with by way of a planning condition.

## **PUBLIC RESPONSES:**

The application was advertised by neighbour notification letters.

24. Nine letters of objection have been received from five neighbouring properties on the grounds that the proposal represents over development of the plot, would change the character and appearance of the area, drainage concerns due to amount of paving proposed, whether the network can take the increase in sewage, overlooking and loss of privacy, unpleasant smells and fumes from pool element, noise and disturbance caused as a result of plant equipment, visual intrusion, loss of light, concerned at the lack of measurements and scale on the drawings, application description, access to the development, whether the development is intended to be a commercial venture, hours of operation and the length of time it would take for construction to be complete and the loss of trees.
25. One letter has been received from the owner of the property clarifying that the extensions are for a family and not a commercial venture, reassuring that the pool will not be drained on a regular basis and that some of the information submitted in objection to the development bears no relevance to the application.

## **APPLICANTS STATEMENT:**

26. The Applicant acts as Deputy and Trustee for Naomi Howard, a 20 year old girl (date of birth 09.08.1992) who requires 24 hour care due to her disabilities. Naomi's family have been looking for a suitable home for Naomi for a considerable period of time. Due to Naomi's disability she is unable to speak and requires 24 hour care. Naomi's current accommodation is inadequate. The grant of planning permission is required to offer suitable accommodation for Naomi and for those who care for her.
27. The purchase of 3 The Paddock is supported by Naomi's Deputies and by the Court of Protection.

*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\\_detailview.aspx?caseno=M6DIUVBN08L00](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M6DIUVBN08L00)*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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28. The main planning issues in the determination of this planning application are: -
  - Impact upon residential amenity
  - Impact upon visual amenity
  - Highways
  - Drainage
  - Noise and smells
  - Trees and landscaping
  - Other considerations

### **Impact upon residential amenity**

29. In terms of neighbouring amenity policy Q9 the local plan aims to ensure that the development respects the privacy of adjoining occupiers of property. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
30. In terms of the garage conversion it is not considered that it would adversely impact on amenity largely because the structure is already there. The property is set forward from the neighbours within the Paddocks and as it does not extend past the front build line then overlooking is not considered to be an issue. One new window is proposed in the rear elevation to serve a kitchen. Given the proximity of this window to the shared boundary adjacent to 2 The Paddocks it is recommended that a condition is added to ensure that this opening is obscurely glazed.
31. In terms of the side extension, this does not extend past the front or rear build line and would be built on the side of the property furthest from the adjacent dwelling at 2 The Paddock. It is not considered that this aspect of the development would be overbearing or cause issues of overlooking in excess of the current situation.
32. The new garage would be set forward of the principal elevation adjacent to the boundary with properties in Rowan Tree Avenue. Given the limited height of the extension, that the roof is hipped and slopes away from these residents' properties, the orientation of the building in relation to the neighbours and the separation distances involved it is not considered the garage would be overbearing or cause issues of overshadowing. The properties on Rowan Tree Avenue benefit from 13 metre long gardens from their rear elevation to the boundary of the application site.
33. The rear extension is the largest aspect of the proposed development, projecting 13.5 metres from the original rear elevation. As the application property is set forward from the neighbour and the proposal is set in 5.4 metres from the shared boundary it is considered it would have limited impact on amenity as only a 2.2 metre section would project past the neighbour's rear build line. Furthermore the neighbour's garage is located along the boundary therefore their nearest habitable window is set well within the site. As a result of the orientation of both properties in relation to the extension, the distance it is set in from the boundary and the limited overall single storey height, overshadowing is similarly not considered to be a concern. Finally, issues of overlooking have been raised in objection letters received in relation to the development. It is acknowledged that two full length windows associated with the hydrotherapy pool face west towards 2 The Paddocks however these look onto the gable associated with their garage. Furthermore, there is an existing hedge that provides a large degree of screening. The window located closest to the shared boundary has been conditioned to be obscurely glazed. Overlooking is therefore not considered to be a concern.
34. Residents are also concerned that the proposal is not domestic in nature and that a commercial venture could be operated from the property. The proposal represents an extension to an existing house and although facilities such as carers accommodation, medical store cupboard and a hydrotherapy pool are proposed these are considered to be ancillary to the main function of the property as a dwelling house. Any future application would be assessed on its merits at the time of submission. Planning permission cannot be withheld on the basis of what could potentially happen to the property in future. It is not considered that the level of traffic associated with the development would be above and beyond that associated with any other single residential property.

### **Impact upon visual amenity**

35. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy Q9 the City of Durham Local Plan requires the design, scale and materials of the development to be sympathetic to the main dwelling and the appearance of the area more generally. This policy is not considered to conflict with the intentions of the NPPF.
36. Local residents have raised concerns in relation to the scale of the proposal, they consider that the extensions represent over development of the site. Although it is acknowledged that the extensions are substantial they do have to be assessed in the context of the host dwelling and the associated plot. On this basis the proposals are not considered to represent an inappropriate level of development especially given the original size of the host dwelling and the area of garden that would remain.
37. Although the bungalows within The Paddocks development were originally designed to be the same it is not considered unreasonable that people would want to develop and extend their properties. The extensions are sympathetically designed as they reflect the character, scale and appearance of the original property and have been designed to be subservient in nature. Notwithstanding this, most aspects of the development would not be seen from public view given the level of natural screening along the boundary with Broomside Lane and the only public views into the development from the west would be from the gated entrance therefore would be distant. As a result it is not considered that the development would adversely affect the character or appearance of the area. Furthermore, due to the property being set forward from the neighbouring properties most aspects of the proposed extensions would not be visually prominent to the residents within the development.
38. It has been specified that the materials to be used in the development would match those of the original property however elements of western cedar boarding and white render would be incorporated into the scheme. To ensure a high quality of development is achieved a condition would be added in relation to materials.

### **Highways**

39. The proposed development seeks the conversion of the existing double garage into living accommodation and the erection of a replacement garage. The original driveway would remain and an additional space would be provided to the front of the proposed garage. On this basis the highways officer has not offered any objection to the scheme as the development is considered to be in accordance with policy T1 of the City of Durham Local Plan as it would provide adequate off-street parking and not adversely impact on highway safety.
40. During the application process concerns have been raised by neighbouring properties and a local councillor in relation to access to the site especially in relation to potential disturbance caused by construction traffic. Highways were re-consulted about the possibility of a temporary site access being gained from Broomside Lane however given that this is a main distributor route an objection would be raised to this proposal on highway safety grounds.
41. The potential disturbance caused by construction traffic would be minimal and temporary therefore it is not considered that the concerns of residents would outweigh the highway safety implications of a new access.

## Drainage

42. When any application is submitted it is standard procedure to check if the site lies within any areas of special designation such as known areas of flooding. No constraints of this nature were highlighted. During the consultation process however numerous residents highlighted concerns that the area had suffered from sewer flooding and due to the scale of the development were very concerned that it could exacerbate existing problems.
43. As a result Northumbrian Water were consulted on the proposal and have recommended that development should not commence until a detailed scheme for the disposal of foul and surface water in addition to details of how the hydrotherapy pool will be drained is submitted and approved in writing. Furthermore, they provided information regarding who to contact and the relevant process for requesting to discharge to the public sewer network which would be added as an informative to any decision.
44. Northumbrian Water have acknowledged residents' concerns in their consultation responses advising that they are aware of a number of incidents in the surrounding area with regards to sewer flooding and they are currently in the process of investigating this matter further. They have reiterated that they are happy to deal with drainage issues within this development by way of a condition and that the investigations that are currently ongoing would help to inform them further to ensure that any connections made to the network were in the right location so as not to intensify the current problems. If the results of the investigation were to come back and flag issues with the network there are alternative ways to overcome drainage matters. It is therefore considered that the scheme accords with the intentions of policy U8a of the City of Durham Local Plan that advises that suitable foul and surface water discharge schemes need to be agreed prior to the development being brought into use. Where this cannot be agreed during the application process it is appropriate to condition this. ***Since the original report was written the survey work has been completed. Further comments have been received in relation to drainage from Northumbrian Water and are addressed in more detail in the Supplementary Information section of the report.***
45. Furthermore, although the agent has annotated the plans to state the paving would be constructed from porous materials, given the level of hard standing proposed and the concerns raised by local residents in relation to flooding it is considered necessary to request specific details in relation to this matter by way of a condition to ensure that an acceptable scheme comes forward.

## Noise and Smells

46. To support the running of the hydrotherapy pool there would be a range of associated plant and ventilation equipment. Originally environmental health wanted the agent to provide details in relation to potential noise and smells associated with this element of the development upfront so they could be agreed in advance of determination. The agent has tried to provide as much information as possible in relation to this matter however to satisfy this requirement specialists would need to be employed which would incur a significant degree of cost which is seen to be unreasonable at this initial planning stage. Instead the agent has liaised with the environmental health officer and has provided additional information in support of the application and why he is confident that these details can be dealt with by means of a condition. The additional information provided includes details relating to sound proofing measures for the plant room, indicative noise levels of the machinery and the typical levels of chemicals used in a domestic pool system. Consequently,



environmental health are confident these matters can be dealt with by means of a condition.

47. The matter of noise and smells is of particular concern to the residents of 2 The Paddock as they are the closest residential property to the development. One suggestion put forward by the occupier of the adjacent property was to move the hydrotherapy pool element of the development further away from the shared boundary. This option was put to the agent however he advised it was not feasible to relocate given the careful consideration that has gone into creating the internal layout of the property. To reassure the local residents, it is considered that the details to mitigate any issues in relation to noise and smells would need to be submitted and agreed in writing prior to the commencement of the development.

### **Trees and landscaping**

48. The gardens surrounding the application site are attractively landscaped and have been planted with a number of trees. The tree officer would like to see the existing hedging along the shared boundary with 2 The Paddock retained therefore has recommended a condition relating to tree protection measures. To facilitate the proposed development, trees that lie within the footprint of the extensions would need to be removed. As these are few in number and do not relate to mature specimens it is considered that their loss could be mitigated by means of a condition relating to a replacement landscaping scheme.
49. It is acknowledged that the trees and hedging within the application site add and contribute to the character and quality of the development. The existing hedging at the site forms an important screen between the two neighbouring properties therefore it is important that it is protected and retained. Furthermore, the existing landscaping can be seen from Broomside Lane and helps to screen the property from public views. The recommended conditions are in accordance with guidance contained within policy E14 of the local plan that conforms to the intentions of the NPPF.

### **Other considerations**

50. The majority of the concerns raised by neighbouring properties have been addressed in previous sections of the report.
51. Concerns have been raised in relation to the description of the development for the purposes of this planning application. Given that the proposal relates to a householder application each element of the extensions and alterations have been detailed although the specific uses of each room has not been mentioned. The Local Planning Authority would assert that the current description does not misrepresent what development is taking place on the site. The proposals have been the subject of a full consultation exercise with local residents, including advising how to access the details of the development. Furthermore, the submitted plans are all drawn to a recognised scale that is marked on each separate page. There is no requirement therefore for the plans to be annotated with the exact measurements of each aspect of the development. Planning officers are always available to provide further advice to the public if requested.
52. Residents have also raised the issue of covenants. This is a legal issue rather than a planning matter however a copy of the covenants relating to the land has been forwarded out of courtesy to the agent. He indicated he was already aware of these restrictions.

53. Planning legislation cannot control the length of time a build takes to complete only that work must commence within three years or the permission would lapse. Although an inconvenience, construction works are temporary and are an issue faced by neighbouring properties adjacent to all development sites. An informative in relation to considerate construction suggesting working hours and noise mitigation measures is recommended to overcome residents concerns.

### **Supplementary Information**

54. *The application was originally brought before the planning committee on 9 October 2012 where a detailed discussion of the issues took place. Despite officer's reassurances some members of the planning committee were concerned that matters such as foul and surface water drainage details were not being agreed upfront. Members were also concerned that insufficient consideration had been given to the provision of a temporary construction access to the northern boundary of the site. The committee decided to defer the application as a result, to enable further information to be provided on these matters. Additional consultation has since taken place with Northumbrian Water and the Council's highways section and further comments have been received.*
55. *With reference to drainage issues, Northumbrian Water's stance has always been that they were happy to proceed with the use of conditions in relation to a scheme for the disposal of foul and surface water including details of how the hydrotherapy pool is to be drained. Following the additional consultation they have again clarified this position in writing. They have added that if the new development uses the existing sewer serving the Paddock for additional domestic foul flows (including the draining of the pool) and the additional surface water (including the hardstanding areas) drains to the existing surface water sewer situated within the boundary of 3 The Paddock, then this will not increase the risk of flooding to neighbouring properties and is therefore still considered to be acceptable.*
56. *Following a change to legislation private sewers which were connected to the public sewer network changed ownership to the sewerage undertaker to own and maintain. The recent survey work undertaken by Northumbrian Water was to establish the location of any such transferred sewers serving The Paddock development only as these were not mapped on their systems. The survey work was not carried out as part of any investigations into localised flooding issues. The investigations also provided additional information that will help to determine the possible connection locations for the domestic waste (including hydrotherapy pool) from the proposed development. It also revealed that there is a good sewer network within The Paddock which has the spare capacity to accommodate the additional foul flows generated by the extension meaning that there will not be a risk of flooding due to any issues relating to incapacity within these sewers.*
57. *Its is noted that a number of residents from Rowan Tree Avenue have raised objections to the development as they are concerned that it will contribute to flooding. Northumbrian Water confirmed that the concerns raised by residents of this street relate to localised flood issues experienced by heavy rainfall events. If the customers have contacted Northumbrian Water in this regard, investigations take place to determine the cause of the flood and these form part of their sewer flooding programme. This is considered by Northumbrian Water to be a separate matter entirely to the current planning application at 3 The Paddock, however they have confirmed that a development of this scale is not going to result in a significant increase in the risk of flooding.*

58. *Following an assessment of the additional information from Northumbrian Water, it is still considered appropriate by officers to deal with matters in relation to drainage by way of conditions that would seek to agree a suitable scheme for the disposal of foul and surface water. Details would need to be provided demonstrating how the hydrotherapy pool is to be drained in addition to information being submitted in relation to the areas of hardstanding. These conditions are worded in such a way so no work could start on any aspect of the build until these matters had first been agreed by the Local Planning Authority working in consultation with Northumbrian Water.*
59. *Turning to highways issues and the potential for the provision of a temporary construction access to the northern boundary of the site, the highways officer has assessed the situation and prepared a technical report to support his findings.*
60. *The temporary construction access point suggested at the previous committee meeting is proposed to be located within 90 metres of the traffic signals of the Broomside Lane/Belmont Industrial Estate. Broomside Lane is a local distributor 'C' class road and carries a high volume of HGV traffic to the nearby Industrial Estates. A transport assessment undertaken by the developers of the industrial estate analysed the traffic signal junction and its capacity to accommodate increased flows associated with the development of the Industrial Estate. This assessment identified mitigation measures that included a programme to widen the junction that is due to commence in Spring 2013 with a 20 weeks construction programme.*
61. *Taking into account the volumes of traffic that are known to use the road and the width of the carriageway, obstruction from construction traffic within the highway will lead to queuing and delay at peak periods. The Industrial Estate is seen as an important local employment area and around 8,000 vehicles per day use the road. It would therefore not be acceptable to have a temporary access point leading onto this main distributor route Broomside Lane and an objection would still be raised to this proposal on highway safety grounds. These concerns relate not only to the current paddock access point suggested but to any other entrance that is proposed to be located along this section of highway as it would cause unacceptable levels of congestion on the approach to and at the traffic signal junction.*
62. *Formation of a vehicular access for works traffic would also require the construction of a dropped kerb facility, hardening the grassed verges and provision for reinforcement of the footway. Furthermore, there is a water pipe located under the grass verge that would be susceptible to damage should traffic cross over it. The developer would be expected to meet the costs of this temporary infrastructure and to reinstate the land afterwards. Given the highway safety concerns in addition to the costs of installing this temporary access which would be required to protect council land and public utilities it is not considered to be a reasonable request when there is an adequate access already in existence.*
63. *Taking all relevant matters into consideration it is still not considered that the potential disturbance to neighbours caused by construction traffic, that would be limited in trip numbers and temporary for the works period, would outweigh the highway safety implications of a new access. This position has been reinforced by the additional report prepared by the Council's Highway Section.*

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## CONCLUSION

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64. To conclude, the application relates to substantial alterations and extensions to the property. However, it is not considered that the proposals would adversely impact on residential amenity to a level that would justify refusal of the planning application. Due to the application property being set forward from the neighbouring one and that the proposed extensions are set in from the boundary it is not considered that the development would be overbearing or would cause overshadowing. The extensions and alterations are in keeping with the scale and character of the existing dwelling and associated land therefore do not represent over development. They have been sympathetically designed so as not to adversely affect the character of the area. As they cannot be readily seen from public views they do not negatively impact on the street scene. Furthermore, the proposals would not adversely impact on highway safety. Northumbrian Water considered that issues relating to drainage can be dealt with by way of a planning condition and further information would be requested in relation to the proposed paving to ensure it does not cause any adverse impacts. Both the environmental health officer and the tree officer consider that conditions can be imposed to deal with noise, smells, tree protection measures and a scheme of landscaping. All other remaining matters are not considered to be planning related or alternatively that the information provided was sufficiently accurate to allow the application to be determined on its merits.
65. ***Following Members raising concerns in relation to drainage and highway matters further clarification has been sought. Northumbrian Water has confirmed that there is a good sewer network within The Paddock which has the spare capacity to accommodate the additional foul flows generated by the extension meaning that there will not be a risk of flooding due to any issues relating to incapacity within these sewers. This additional information reinforces their continued stance that matters relating to drainage can be dealt with by means of condition. The Highways Authority have also reiterated that a temporary works access onto Broomside Lane would not be acceptable as it would cause highway safety issues and unacceptable levels of queuing traffic. The existing access into The Paddocks is the most suitable therefore any disruption caused by construction traffic would be minimal and temporary and would not outweigh the concerns over an alternative access. Accordingly, no changes are considered appropriate either to the previous recommendation of approval, or to the conditions suggested.***
66. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy, and is recommended for approval.

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## RECOMMENDATION

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Recommendation that the application is:

### **APPROVED subject to the following conditions**

#### **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 References; Application forms and drg. no. 01 all received 28/06/2012, drg. no. 100a and drg. no 101 received 26/07/2012, drg. no. 102 and drg. no. 103 received 27/07/2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies T1 and Q9 of the City Of Durham Local Plan.

3. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local planning authority in consultation with Northumbrian Water. This should also include written details of how the hydrotherapy pool would be drained. The drainage of foul and surface water in addition to the hydrotherapy pool shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with the National Planning Policy Framework Part 11.

4. No development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority: a tree constraints plan in accordance with detailed specifications found in BS5837:2012; and a method statement regarding the protection of the root protection area during construction. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 City of Durham Local Plan.

5. No development shall commence until a detailed hard and soft landscaping scheme has been submitted to, and approved in writing by, the Local planning authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention. Planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. Details of all utility services installations and alignments. Post-construction remedial works The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies E14 and E15 of the City of Durham Local Plan.

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

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

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

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

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 of the City of Durham Local Plan.

7. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external western cedar cladding and white render have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policy Q9 of the City of Durham Local Plan.

8. Notwithstanding any details of materials submitted with the application no development shall commence until details of hard standing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policy Q9 of the City of Durham Local Plan.

9. No development shall be commenced until the following details in relation to the hydrotherapy pool have been submitted to and approved in writing by the Local Planning Authority: full details of the plant equipment incorporating a noise assessment including background levels at the nearest noise sensitive receptors; full details of the equipment for the treatment and extraction of fumes and odours; and full details of any ventilation, heating and cooling systems. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with saved policy Q9 of the City of Durham Local Plan.

10. 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 kitchen window serving the carers accommodation adjacent to the boundary with 2 The Paddocks shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the local planning authority , and shall be retained as such in perpetuity.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with saved policy Q9 of the City of Durham Local Plan.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies:

NPPF National Planning Policy Framework - Part 7 Requiring Good Design  
City of Durham Local Plan - Q9 Alterations and Extensions to Residential Property  
City of Durham Local Plan - T1 Traffic – General  
City of Durham Local Plan - E14 Trees and Hedgerows  
City of Durham Local Plan - U8a Disposal of Foul and Surface Water

2. In particular the development was considered acceptable having regard to consideration of issues of residential amenity, visual amenity, highways, drainage, noise and smells and trees and landscaping

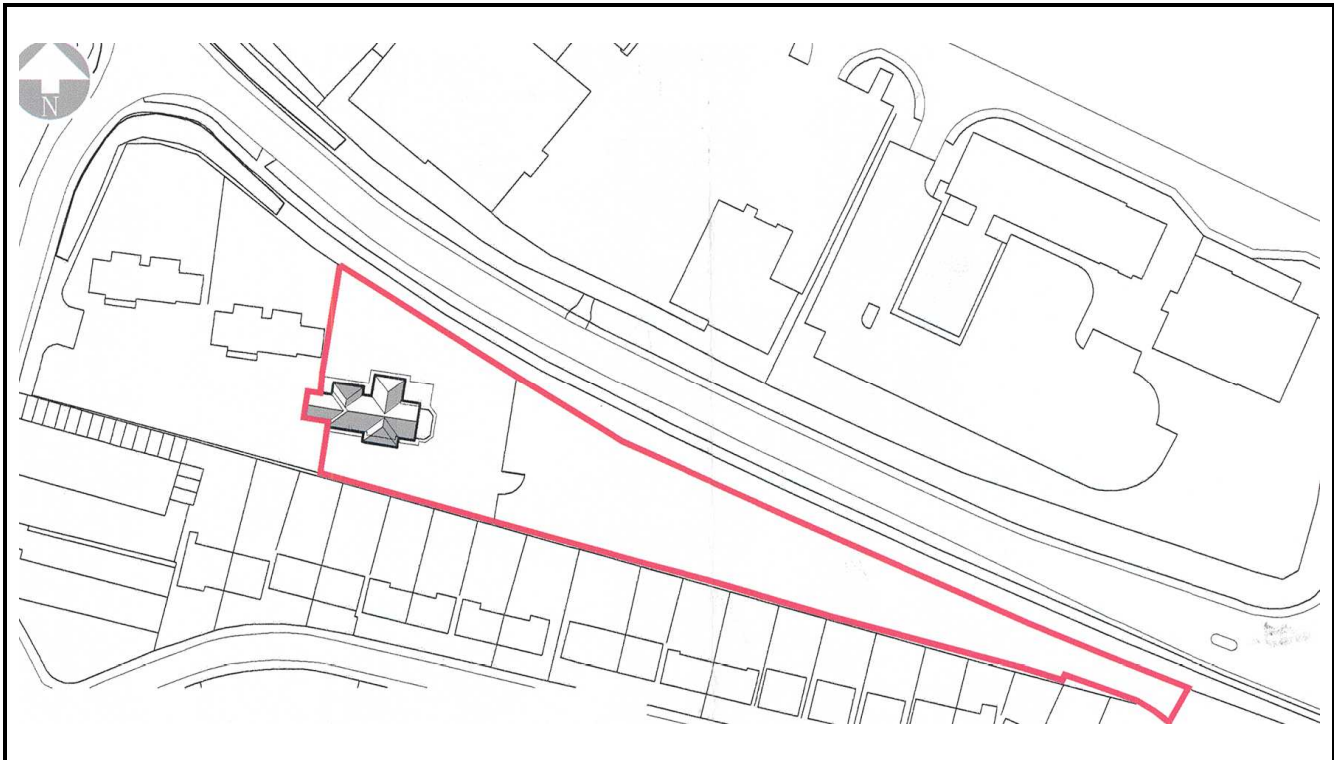
3. The stated grounds of objection were not considered sufficient to lead to reasons to refuse the application because the proposals are considered to be in accordance with planning policy and outstanding issues can be dealt with by way of planning conditions.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2001
- National Planning Policy Guidance – Part 7 Requiring Good Design
- Consultation Responses



**Planning Services**

Proposed **CONVERSION OF GARAGE TO LIVING ACCOMODATION, SIDE AND REAR EXTENSIONS AND ERECTION OF DETACHED GARAGE AT 3 THE PADDOCK, GILESGATE MOOR**

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**Comments**

**Date** 11/09/2012

**Scale** 1:1250



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	PL/5/2012/0305 & PL/5/2012/312 CAC
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing bungalow and erection of two dwellings
<b>NAME OF APPLICANT:</b>	Mr M Stephenson
<b>ADDRESS:</b>	Westfields, Hawthorn Village, SR7 8SG
<b>ELECTORAL DIVISION:</b>	Easington
<b>CASE OFFICER:</b>	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. **SITE:** The application site is Westfields, Hawthorn Village, which is situated south of Seaham and to the east of the A19 corridor. The application site currently hosts a single storey brick built bungalow which is accessed from the made but un-adopted road which rises to serve detached dwellings on St Michaels Rise. The bungalow benefits from landscaping within the site in the form of trees and hedge groupings. The bungalow sits in an elevated position in comparison to the unclassified road which passes through Hawthorn, but sits down from the adjoining more recent development at St Michaels Rise. The bulk of garden land at the site is set to the north and east of the bungalow, where site levels slope downwards from south west to north east. The application site sits within Hawthorn Conservation Area and within the defined Hawthorn settlement boundary. The site constitutes previously developed land.

2. **PROPOSAL:** The application seeks Planning Permission and Conservation Area consent for the demolition of the bungalow and for the erection of two double storey detached dwellings. The two dwellings would be built in the same area of the site as the bungalow, as this part of the site sits on a relative plateau, whereas site levels are steeply sloping to the northern and eastern sides of the site. The dwellings would be accessed via drives from the un-adopted but made road which runs immediately to the south of the site. These drives would slope down slightly from the access road. Each dwelling would accommodate an integral single garage, adequate habitable space, alongside 4 bedrooms, one of which would be accommodated in the loft space along with an en suite toilet. The westernmost dwelling would be set with a ridge line running east to west, while the easternmost dwelling would have a ridgeline which would run north to south. The dwellings would measure approximately 5m in height to eaves level and approximately 8m in height to ridge level. The main body of the dwellings would measure 9.8m in width and 8m in depth. Garaging would project partially forward from the main building line, and the proposed rear family room would also project slightly from the rear elevations. Patio areas are proposed to the rear of each dwelling. To the westernmost dwelling, windows would primarily be accommodated to the north and south facing elevations. A similar arrangement would be made at the easternmost dwelling, although windows to the east facing elevation would take advantage of the open aspect to the east.

3. The floor level of the existing bungalow is at a significantly lower point than the adjacent house on St Michaels Rise and is also lower than the access road. To address this issue, the westernmost dwelling would have a floor level raised by 0.7m while the easternmost dwelling would have a floor level raised by 0.2m above the current level. The foot print of the existing bungalow is approximately 118m<sup>2</sup> while the foot print of the proposed dwellings, combined, is approximately 199m<sup>2</sup>.

4. This scheme is being reported to the Planning Committee at the request of Hawthorn Parish Council.

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## **PLANNING HISTORY**

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5. Applications for Planning Approval for two dwellings and Conservation Area Consent were withdrawn earlier this year. Applications for three dwellings and Conservation Area consent were withdrawn in 2010. Planning approval and Conservation Area Consent was granted for three dwellings on the site in 2004.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

8. The following elements are considered relevant to this proposal;

9. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

10. *NPPF Part 12 – Conserving and enhancing the historic environment.* Part 12 sets out the governments aims in relation to the conservation and enhancement of the historic environment and gives guidance in relation to matters concerning heritage assets.

### **REGIONAL PLANNING POLICY**

11. *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.

12. In July 2010 the Local Government Secretary signalled 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:

13. **Policy 4 (The Sequential Approach to Development)** states that development priority should be given to previously developed land in order to identify the most appropriate development sites. Top priority is given to previously developed sites within urban areas, particularly those in close proximity to transport nodes.

14. **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.

#### **LOCAL PLAN POLICY:**

15. **Policy 1 (General Principles of Development)** - The council will have due regard to the provisions of the development plan in the determination of planning applications and development proposals. Account will be taken of whether the proposal would accord with the principles of sustainable development together with any benefits to the community and the local economy

16 **Policy 18 (Nature Conservation Interest)** - This Policy seeks to ensure protection for nature conservation interests.

17. **Policy 22 (Preservation and Enhancement of Conservation Areas)** - The character, appearance and setting of the conservation areas will be preserved and enhanced.

18. **Policy 35 (Design and Layout of Development)** - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

19. **Policy 67 (Windfall Housing Sites)** - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

20. Hawthorn Parish Council have objected to the planning application. This objection is put forward on the basis that the application proposes an increase in floor area to that currently occupied. It is also put forward on the concern that the proposed dwellings would be at odds with the scale of adjacent buildings and the area generally. Northumbrian Water has no comments to make on the application.

#### **INTERNAL CONSULTEE RESPONSES:**

21. Highways Development Management have considered the application and have put forward no objections on highways grounds although have suggested that the developer must seek approval from the developer of St Michaels Rise and the County Councils adoption engineer. Design and Conservation Officers have no objection to the application, and had suggested materials changes, which have now been included within the scheme. Ecology Officers have offered no objection. The Landscape and Trees section have offered no objection to the application. Environmental Health has suggested the inclusion of a condition limiting working hours to appropriate and reasonable times, but has otherwise offered no objection.

#### **PUBLIC RESPONSES:**

22. Four letters of objection have been received from members of the public in relation to the applications. Objections are put forward on the basis that the road that serves St Michaels Rise is un-adopted and dangerous to use in icy weather and also narrow. There are objections on the basis of the height of the proposed dwellings. Concerns have been expressed over the ownership of a strip of land which sits towards the western boundary of the Westfields site. An objection has been put forward should two cherry trees to the south of the site be considered for removal. Objections are made on the basis that the floor area would be increased from that provided by the existing bungalow. Concern is put forward that any increase in land levels would see any new dwelling sit out of proportion with neighbouring properties. An objection is also raised on the basis that the proposed development would have a negative impact upon the Hawthorn Conservation Area.

#### **APPLICANTS STATEMENT:**

23. The applicant considers that the design for the proposed houses has been carefully considered to reflect the needs appropriate to the village. The applicant considers that the scheme would reflect the built form of housing within the Conservation Area and also states that consideration has been given to providing a scheme of the highest possible design quality.

*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>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. 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 of the site,

the scale, layout and design of the proposed dwellings, and the impact of the proposed scheme upon the Hawthorn Conservation Area.

### **Principle of development of the site**

25. The principle of the development on the site is deemed acceptable. The principle of the demolition of the bungalow for replacement with dwellings was established in 2004 when planning permission and conservation area consent were granted for the erection of three dwellings. The proposed scheme represents a less dense use of the site which is considered appropriate.

26. The site represents previously developed land and sits within the Hawthorn settlement boundary. Policy 67 of the Easington Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character. As discussed in the next section, the proposals are felt to be appropriate in scale and character. The development also accords with the principles of the National Planning Policy Framework and is considered sustainable development.

### **The scale, layout and design of the proposed dwellings**

27. The site currently hosts a reasonably large bungalow, which is not of any significant age or historic value. Officers acknowledge that the proposals would see the site developed to a greater degree, both through the proposed two storey nature of the dwellings and through the increase in developed footprint at the plot. The current footprint of Westfields bungalow is approximately 118m<sup>2</sup>, while the two dwellings proposed would together have a footprint of approximately 199m<sup>2</sup>. The increase in the development at the site in reality is considered modest. Large sections of the plot would remain undeveloped, and Officers feel the character of the plot would not be changed significantly. Officers consider that the dwellings would be laid out in an appropriate manner, occupying the top part of the site that is a relatively flat plateau. The dwellings would take vehicular access from St Michaels Rise, which is a more modern development. This would mean that the boundary treatment to the village road to the east of the site would remain unaltered, which would ease the impact of the dwellings to one of the main public vantage points and approaches.

28. The site is sloping in nature, with St Michaels Rise rising from its access point with the village road and curving immediately to the south of the site. Whilst concern has been put forward in relation to the proposed levels at the site, land levels are proposed for only minor alterations. The floor level for the westernmost dwelling would be 0.7m above that of Westfields Bungalow while the floor level for the easternmost dwelling would be 0.2m above. Given that 1 St Michaels Rise sits in an elevated position above the site, the raising of floor levels by a maximum of 700mm is not considered problematic by Officers. This would see the westernmost dwelling proposed being brought onto a similar scale and height to 1 St Michaels Rise. The easternmost dwelling would be set 500mm lower, with the accompanying setting down of the ridgeline from dwelling to dwelling serving to add definition to the development and break up the bulk of the two dwellings. The set down would reflect falling land levels on the site. The alternative ridge lines proposed would also break up the visual impact of the development on the site.

29. Officers consider that there would not be any loss of privacy or amenity to surrounding properties that would be of material significance. 1 St Michaels Rise, which sits in an elevated position to the west, bears a blank side elevation facing east towards the proposed development. Upper floor windows in the western elevation of the westernmost dwelling would be conditioned to be obscure glazed while boundary planting proposed for retention would

preserve inter-privacy at ground floor level. The dwelling that sits opposite the site at West Farm to the south does have facing habitable room windows. Three windows sit on this north facing elevation. Two of these windows serve a bedroom which also has a window to its southern elevation. A further window serves another bedroom which also has a window in the west facing elevation of the building. The front elevation of the westernmost property would sit approximately 18.2m from the northern elevation of this property, although at a slightly lower level. This is shorter than the generally accepted standard separation distance of 21 metres between main facing elevations. However Officers consider this relationship appropriate in this instance. One reason is that some room windows to the southern elevation of Westfields currently only have a separation distance to the northern elevation of West Barn of approximately 14.5m. The setting back of the dwellings as proposed would offer greater separation distances than currently exist at the site. The second reason is that the Westfields plot has limited depth. Officers consider that moving the dwellings back further would result in a less satisfactory layout relative to the adjacent existing property, 1 St Michaels Rise as well as creating an unreasonably limited rear garden space. Thirdly given land levels in and around the site, Officers consider that the windows on the northern elevation of West Barn, which sits in an elevated position, would be more likely to overlook the proposed new dwellings than the new dwellings would overlook West Barn. In these circumstances, it is considered to be a matter of choice for the applicants to build at a reduced privacy distance. It is not considered that the impact on the prospective occupiers would be sufficient to justify refusal of planning permission, taking all relevant matters into account.

Officers consider the proposed relationship appropriate and feel that significant issues surround inter privacy between the sites would not be created. The application is considered in compliance with National and Local Planning Policy in terms of scale, layout and design. In particular the development is considered to be in accordance with Policies 1 and 35 of the Easington Local Plan and part 7 of the National Planning Policy Framework. In particular, the development is considered to satisfy the statutory test of preserving or enhancing the character or appearance of the Conservation Area.

### **Impact upon conservation area**

30. Policy 22 of the Local Plan states that the Council will seek to preserve or enhance the character and appearance of Conservation Areas by not allowing development which would detract from the character, appearance or setting of the Conservation Area. Development within Conservation Areas should be appropriate in terms of siting, layout, site coverage, height, roof style, detailed design and materials. Trees, hedgerows, open spaces and important landscape features should be retained. Permission for the demolition of buildings within Conservation Areas will only be deemed acceptable where there are acceptable detailed plans for redevelopment. The National Planning Policy Framework in part 12 requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Hawthorn Conservation Area.

31. Officers consider that the existing bungalow on the site makes a neutral rather than positive contribution to the character of the Conservation Area. It is not typical of other developments in this part of Hawthorn and does not have outstanding architectural or historical interest. Officers therefore accept the principle of the removal of the dwelling for replacement and consider that this would have an acceptable impact upon the character and appearance of the Conservation Area. The dwellings proposed would be traditional in appearance and would be finished with tiled roofs and render. Head and cill detailing is included within the scheme and wooden windows are proposed. Conservation style roof windows are proposed which are fitted relatively flush with the roof slope to serve the roof space accommodation at the dwellings. The materials proposed would be reflective of those in the immediate area and are considered to preserve the character and appearance of the Conservation Area. The majority of trees are proposed for retention at the site, as is the

open corner section of the site adjacent to the main road. Six trees are proposed for removal along with three mixed groups of shrubs. These removals are required to facilitate the footprint of the proposed development. The majority of trees on site are proposed for retention, and the Council's Senior Tree Officer has not put forward any objection to the scheme. The Cherry Trees to the south of the site which are a concern for an objector are proposed for retention within the scheme.

## **Other Matters**

32. Concerns have been raised surrounding the status of the access road which would serve the dwellings proposed and which currently serves St Michaels Rise. The Council's records show this road is un-adopted, although the road appears in good condition and is made up and surfaced. Highways Officers have stated that they do not object to the principle of the development on highways grounds and feel that proposed levels are such that vehicular access, off street parking and garaging could be safely accommodated.

33. Concerns have also been raised regarding the ownership of a strip of land towards the western boundary of the site. Amended plans have been received which show this area of land within the application site. The ownership of this land is a private legal matter to be considered between the relevant parties and its status cannot be afforded significant weight in this decision making process.

34. In relation to the above matters, the applicant has certified that they have served notice on the relevant parties. If the ownership issue relating to the strip of land cannot be resolved, the planning permission could not be implemented. However there are no indications in the submitted information to suggest that this issue is not capable of resolution.

35. Local Planning Authorities are required to take into account, protect and mitigate the effects of development on Biodiversity Interests. A risk of bats had been identified in relation to the existing Westfields Bungalow and a bat risk assessment has been undertaken at the site. The assessment found no evidence of bat presence and concluded that the development of the site would offer a low risk to bats. The Senior Ecology Officer has advised that he offers no objection subject to the adherence to the method statement outlined in the bat survey. Overall, the granting of Planning Permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010.

36. There would normally be the potential, under permitted development rights, to carry out certain forms of development within the curtilages of the dwellings, such as extensions and outbuildings. Due to the proposed layout of the site and the configuration of the garden areas, however, it is considered that this could impact adversely on the Conservation Area. In these circumstances, it is considered appropriate to remove such permitted development rights for extensions, outbuildings and hard surfacing by way of a planning condition. Thus, planning applications would need to be submitted, giving the Council planning control over these matters.

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## **CONCLUSION**

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37. In summary, Officers consider the application acceptable in terms of the principle of the development of the site. This is because the site constitutes previously developed land, within the Hawthorn settlement boundary which has previously benefitted from residential planning approval.

38. Officers consider the development acceptable in terms of the scale, layout and design of the proposed dwellings. This is because Officers feel that the two dwellings could be comfortably accommodated onto the site and because the proposed dwellings are considered to relate well in terms of scale, layout and design to the surrounding buildings and area in general.

39. Officers consider that the application is appropriate in terms of impact upon Hawthorn Conservation Area as the development is designed in such a manner that it would preserve the character and appearance of the Conservation Area.

40. Officers consider the application to meet the requirements of national and regional planning policy, and Policies 1, 18, 22, 35 & 67 of the saved district of Easington Local Plan.

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## **RECOMMENDATION**

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

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

3. 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 the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

4. Notwithstanding the information shown on the submitted plans full joinery details of windows and doors, drawn to a scale of 1:20 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 the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

5. No Development shall take place unless in accordance with the mitigation detailed within the Bat Risk Assessment, Westfields, by Dendra Consulting Ltd, received 31<sup>st</sup> July 2012.

Reason: To conserve protected species and their habitat in accordance with Policy 18 of the District of Easington Local Plan.



6. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the first dwelling. Any trees or plants which, within a period of 5 years from this date, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

8. 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 dwellings to which they relate.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

9. No work shall take place during the development of the site outside of the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.

In the interests of the amenity of nearby residents and to comply with Policy 1 of the District of Easington Local Plan.

10. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the bringing into use of the development.

Reason: To ensure proper drainage of the site and to comply with Policy 1 of the District of Easington Local Plan.

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, C, D, E or F of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

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 glass to be used in the upper floor window of the west facing elevation of the westernmost dwelling shall be frosted/opaque and shall remain as such for the lifetime of the development.

Reason: In the interests of the amenity of nearby residents and to comply with Policies 1 and 35 of the District of Easington Local Plan.

13. The development hereby approved shall be carried out in strict accordance with the following approved plans (Drawings 1, 2, 3, 4, 7 & 8 received 25<sup>th</sup> September 2012, Drawings 5, 6 & 9 received 01<sup>st</sup> October 2012, Bat Risk Assessment, Westfields, by Dendra Consulting Ltd & Arboricultural Implications Assessment, Westfields by Wilson Tree Care and Consultancy, received 31<sup>st</sup> July 2012)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 18, 22, 35 & 67 of the district of Easington Local Plan.

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## **REASONS FOR THE RECOMMENDATION**

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1. It is considered that the proposed two detached residential dwellings would be of appropriate scale, design and location while preserving the character and appearance of the Conservation Area and being appropriate in terms of highway safety in accordance with Policies 1, 18, 22, 35 & 67 of the saved district of Easington Local Plan.

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. In particular the development was considered acceptable as it would be appropriate in terms of issues surrounding the principle of development of the site, the scale, layout and design of the proposed dwellings, and the impact of the proposed scheme upon the Hawthorn Conservation Area.

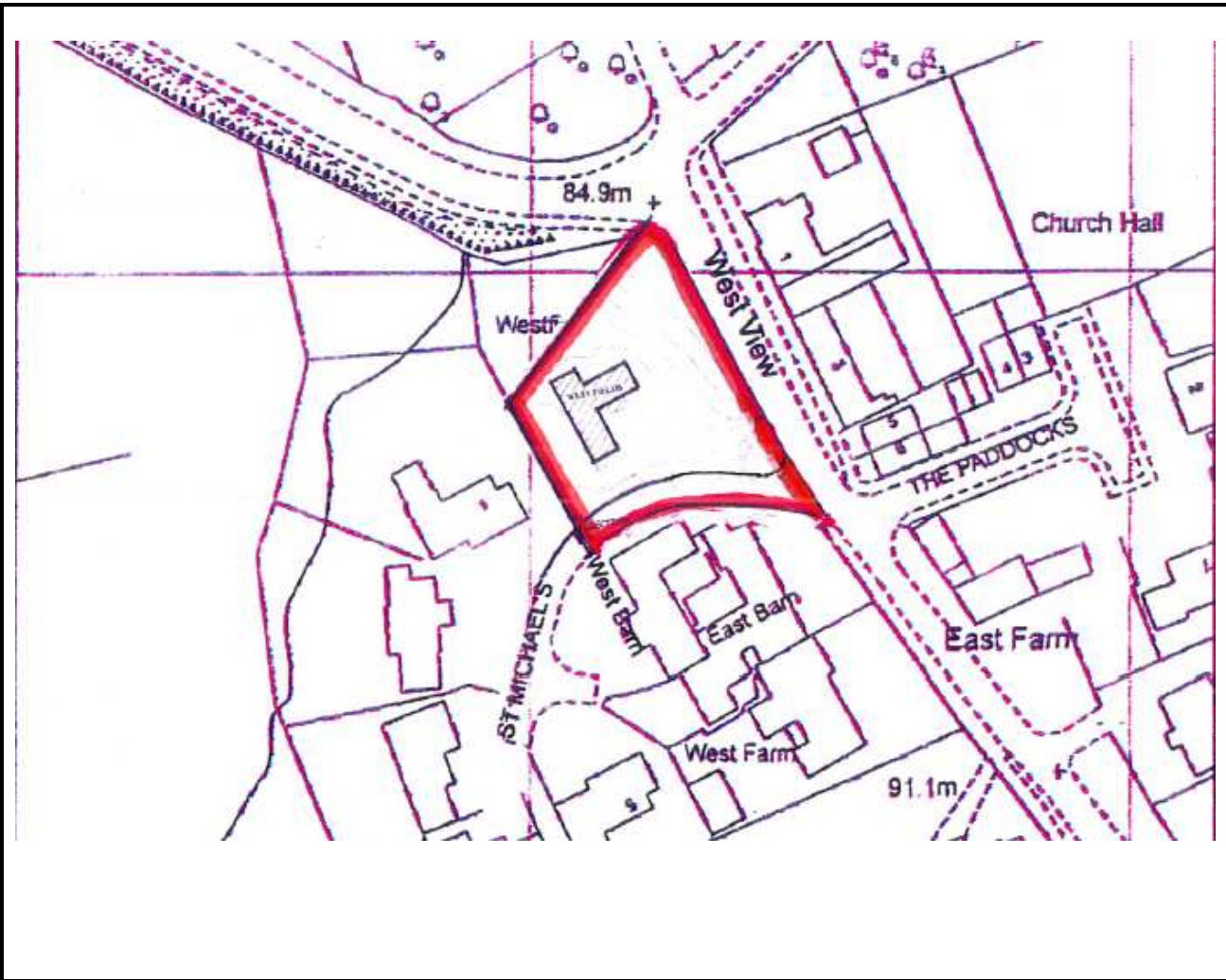
3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient to lead to reasons on which to refuse the application in view of the accordance of the proposals with relevant development plan policies combined with appropriate planning conditions.


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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
Saved District of Easington Local Plan  
Responses from Objectors  
Response from Parish Council  
Response from Highways Development Management  
Response from Northumbrian Water  
Response from Design and Conservation Section  
Response from Ecology Section  
Response from Landscape Section  
Response from Trees Section  
Response from Environmental Health Section



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Demolition of existing bungalow and erection of two dwellings</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Date</b> 13<sup>th</sup> November 2012</p>

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## Planning Services

**COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION NO:</b>	<b>PL/5/2012/0292</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>22 DWELLINGS</b>
<b>NAME OF APPLICANT SITE ADDRESS</b>	<b>GLEESON DEVELOPMENTS LTD LAND AT FORMER DORMAND VILLA, FERNDALE CLOSE, STATION TOWN, TS28 5HL</b>
<b>ELECTORAL DIVISION CASE OFFICER</b>	<b>Blackhalls Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL****Site:**

1. This application site is approximately 0.4 hectares in size and is located within the settlement boundary of Station Town, which is located around 1 mile to the south of Wingate. The site is situated off Ferndale Close and is accessed from Milbank Terrace (B1280) to the south. It is an established residential area with residential properties surrounding the site on all sides. There are a number of community facilities and services nearby including shops, schools, healthcare facilities and public transport links.
2. The site previously comprised of a Council owned residential care home known as Dormand Villa which was identified as being surplus to Council requirements and earmarked for closure. The site has since been marketed by the Council for the purposes of residential development. The care home buildings were demolished during 2011. Also included in the application site is a small area of land adjacent to 23 Brackendale Close that used to be the site of 6 flats, these have also now been demolished.

**Proposal:**

3. This application proposes 22 two and three bedroomed dwellings. The development would comprise of four different house types, each with their own private gardens to the front and rear and parking provision in the form of 41 off-street parking and private garaging spaces. It is also proposed to provide landscaping within and around the site.

4. The properties would all be two storeys in height which would reflect the existing two and single storey properties which currently surround the site. It is proposed to construct the dwellings from a mix of buff and red brick along with a dark grey concrete roof tile. Windows and doors would be white upvc whilst the rainwater goods would be black. All off-street parking areas would be made from a permeable crushed aggregate. Boundary enclosures would be comprised of close boarded timber fencing and post and wire fencing.
5. The proposals would also involve advanced insulation to the roof, walls and floors of the dwellings along with energy efficient lighting which would achieve a 10% reduction in carbon emissions.
6. This application is being reported to committee as it represents a major application.

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## **PLANNING HISTORY**

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7. PL/5/2010/0138 – Demolition of building. Approved.

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## **PLANNING POLICY**

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### **National Policy:**

#### National Planning Policy Framework

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

10. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

12. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. Part 10 - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

## **Regional Plan Policy:**

### Regional Spatial Strategy for the North East

16. 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.
17. In July 2010 the Local Government Secretary signalled 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.
18. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
19. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the

need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

20. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
21. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
22. 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.
23. Policy 38 - Sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

### **Local Plan Policy:**

#### District of Easington Local Plan

24. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
25. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
26. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
27. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
28. Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

*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=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Statutory Responses:**

29. Parish Council – no response.



30. Northumbrian Water – no objections subject to agreeing a scheme for surface water drainage.

**Internal Consultee Responses:**

31. Highways Officer – no objections. The means of access and level of car parking provision is acceptable.
32. Tree Officer – no objections.
33. Environmental Health – no objections subject to conditions limiting hours of construction.
34. Asset Management – no objections. The financial statement submitted by the applicant has been scrutinised and it is agreed that any affordable housing provision or financial contributions toward play space would render the development unviable.

**Public Responses:**

35. The application has been advertised by way of a press notice, a site notice and letters to individual residents. Two letters of objection have been received from nearby residents. The main issues raised relate to the loss of view, loss of light, overlooking and an increase in traffic.

**Applicants Statement:**

36. This Statement is written in support of a full detailed planning application by Gleeson Homes & Regeneration (Gleeson Developments Ltd) for the regeneration and residential redevelopment of 0.4 hectares of previously developed land at the former Dormand Villa care home, Ferndale Close, Station Town, Wingate, Co. Durham.
37. Gleeson Homes and Regeneration are part of the MJ Gleeson Group and specialise in the regeneration of brownfield sites for the development of quality new homes. Accordingly, the application hereby submitted proposes the erection of 22 new dwellings comprising a mix of 2 and 3 bedroom semi-detached and detached house types.
38. The site was previously used as a care home by the Council. The previous care home and the site was closed in 2011 and has since been demolished by the Council. The site clearly represents an opportunity for redevelopment. Its position within a residential neighbourhood, combined with its previous use, suggests that a new build housing scheme is an appropriate form of development for this location
39. The location of the site in a residential area and the provision of bus services in close proximity along with amenities and services, mean that the site meets the Councils targets and policies. It also meets the aims and objectives of the National Planning Policy Framework in seeking to promote the use of previously developed sites and the provision of residential development in sustainable locations.
40. The Council has accepted that no affordable housing or S106 contributions will be required on this site, as to do so would threaten the viability of the scheme as a whole. We have submitted viability assessment evidence to clarify this.

41. The development proposed in this planning application will secure the regeneration of a derelict site in the centre of an existing residential area. As the site has been derelict since the former care home was closed, it has always been earmarked for regeneration/housing purposes. As demonstrated during the application process, there is strong local support for the redevelopment of the site for residential purposes, which will turn a derelict contaminated site into a vibrant and attractive cluster of traditional low cost private dwellings for local people.

*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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=119498>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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42. 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 with regard to planning policies, the scale, layout and design of the development, the viability of the development, highways issues and the objections received.

### **Planning Policy**

43. Saved Policy 67 of the District of Easington Local Plan allows for windfall development on previously developed sites within the settlement boundaries, provided that the scheme is appropriate in scale and character and does not conflict with other policies in the plan. This proposal seeks to redevelop a brownfield parcel of land within the settlement boundary of Station Town. 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 the National Planning Policy Framework (NPPF) which 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.
44. The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
45. The locational strategy for the North East region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.

46. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
47. In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6 and 10 the focus should be on increasing housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of greenfield sites. Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals such as this one.
48. As part of the on-going production of the 'The County Durham Plan', a 'Settlement Study' has been carried out. This study looks at the amenities within the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Station Town is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities, greatly contributing to its sustainability.
49. Overall, in terms of the proposals accordance with planning policy, it is considered that due to the site being located on previously developed land within a settlement boundary close to community facilities, shops, schools and public transport links, it is considered to be in a highly sustainable location for residential development. In terms of the NPPF, this advises that there should be a presumption in favour of sustainable development such as the one proposed. Officers therefore consider the principle of bringing this site forward for residential development is acceptable.

### **Scale, layout and design of the development**

50. Saved policy 35 of the District of Easington Local Plan states that the design and layout of development should reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers. In addition to this, guidance in the Local Plan 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. These policies and guidelines are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.
51. Generally, the proposals have been well designed to create a well connected, accessible development which reflects the scale and character of the existing dwellings that surround the site. The proposed layout has been well thought out, considering that the site is bounded on all sides by existing residential properties. It is considered that the development of traditional two and three bedroomed starter and family homes would complement its surroundings, which would be further enhanced by the proposed landscaping scheme.
52. In terms of amenity and the privacy of existing and future residents, guidance in the District of Easington Local Plan requires main elevations which face each other to have a separation distance of 21 metres whilst the distance between main elevations and gables should be at least 13.5 metres. In all instances the distancing standards to existing residents which surround the application site are acceptable. Within the site, there are a few minor instances where these standards are not met. However,

given the site constraints, and that no existing residents would be affected, the proposals are considered to be in accordance with saved District of Easington Local Plan policy 35 and NPPF part 7.

### **Viability of the development**

53. Developments of this nature would usually require the provision of 10% affordable housing (2 units in this instance), along with a financial contribution toward the provision of off-site play areas where this is not provided on site (£11,000 in this instance). The applicant has not submitted a S106 agreement in this regard, instead arguing that the payments are not affordable given the economics of the development.
54. The applicants have stated that there are a number of factors that prevent them from making the site viable should affordable housing and financial contributions be required. Firstly, it is stated that the inclusion of affordable housing on the site would threaten the viability of the development in such a way that it could not be developed without significant grant support. Secondly, it is argued that due to low house prices in the area, a substantial number of which are below £60,000, the development would still provide houses to local people at a low cost. In addition, it is stated that the development of the site for private housing would help sustain a more balanced tenure in the locality, which is dominated by social and privately rented stock. To support their case the applicant has provided a development appraisal.
55. Colleagues in Asset Management and Local Plans have been consulted on the submitted appraisal evidence and have concluded that the figures are accurate and would not dispute them. They have stated that “the financial appraisal submitted by the applicant has been scrutinised by Asset Management. Following careful consideration, Assets concur that the additional cost burden of providing affordable housing on the site would result in a financially un-viable development. The appraisal demonstrates that even before the provision of any affordable units the developer is unable to generate a reasonable industry standard profit level. This is mainly due to the assumed low end values of the proposed dwellings and the additional costs associated with developing in an uncertain market location.’
56. Paragraph 173 of the NPPF stresses the importance of viability as a material planning consideration; “sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”. Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances “work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability”.
57. Officers have acknowledged the content of the NPPF particularly at paragraph 173 detailed above and the need for obligations to take into account the economics of the development. The NPPF explains that the contributions should be requested in the

context of the developer being able to achieve competitive returns and deliver the development.

58. The lack of affordable housing provided by a social landlord and the loss of £11,000 towards off-site recreation facilities is regretful, however this must be balanced against the need for Local Planning Authorities not overburdening developers with planning obligations. Officers therefore raise no objection to the absence of the S106 contributions within this application for the reasons detailed above.

### **Highways issues**

59. The overall car parking provision for the 22 proposed dwellings would be 41 car parking spaces, this would include 14 no. garages and would result in an acceptable level of car parking provision.
60. Highways officers have confirmed that the proposed layout is a practical design and as such the proposals would be deemed to be acceptable from a highways point of view. As such, the proposals are considered to accord with saved policies 35 and 36 of the District of Easington Local Plan.

### **Objections received**

61. Two letters of objection have been received from nearby residents. The main issues raised relate to the loss of view, loss of light, overlooking and an increase in traffic.
62. In terms of loss of light and overlooking, as stated above the distancing standards to existing properties are adhered to in all instances in accordance with guidance in the District of Easington Local Plan. One of the objectors properties would be located adjacent to a proposed dwelling which is set forward from their building line. However, amended plans have been received which show this proposed property being set back by a further metre and in addition, this proposed dwelling is located to the north of the objectors property and as such the potential for significant loss of light would be reduced. It is also noted that the main windows to habitable rooms of the objectors dwelling are located away from the gable end of the proposed dwelling which ensures any impact would be minimal.
63. As discussed earlier in the report, highways officers have no objections to the proposals with particular regard to off-street parking provision, therefore is not considered that an increase in traffic would become a significant issue. Finally, the loss of a view is not a material planning consideration.

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## **CONCLUSION**

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64. Overall it is considered that the proposals are in accordance with the relevant planning policies. The proposed residential development is in a highly sustainable location on a brownfield site, with good access to public transport, local shops and other community facilities. Only two letters of concern have been received from nearby residents, furthermore the statement of community involvement which was submitted with the application shows a significant amount of local support for the scheme which would result in a high quality development and result in the regeneration of a derelict site within a residential area. On the basis of the above, officers recommend that the application be approved.

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## RECOMMENDATION

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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 References; Location Plan GH18:L:02, Boundary Treatments GH18:L:04 C, Planning Layout GH18:L:05 C, Soft Landscaping GH18:L:03 C, Detached Single Garage SD701, Twin Garage SD702, 309 Dwelling Type 309/1, 301 Dwelling Type 301/1B, 201 Dwelling Type 201/1A, 310 Dwelling Type 310/1.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Fridays (excluding bank holidays) and 0800 hours and 1300 on Saturdays.

Reason: In the interests of residential amenity and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with part 10 of the National Planning Policy Framework.

6. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to secure a sustainable form of development in accordance with policy 38 of the Regional Spatial Strategy and part 10 of the NPPF.

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## REASONS FOR THE RECOMMENDATION

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
NATIONAL PLANNING POLICY FRAMEWORK	Part 1 - Building a strong, competitive economy
NATIONAL PLANNING POLICY FRAMEWORK	Part 10 - Meeting the challenge of climate change, flooding and coastal change
NATIONAL PLANNING POLICY FRAMEWORK	Part 11 - Conserving and enhancing the natural environment.
NATIONAL PLANNING POLICY FRAMEWORK	Part 4 - Promoting sustainable transport
NATIONAL PLANNING POLICY FRAMEWORK	Part 6 - Delivering a wide choice of high quality homes
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 30 - Improving Inclusivity and Affordability
REGIONAL SPATIAL STRATEGY	Policy 38 - (Sustainable Construction)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, the scale, design and layout of the development, highways issues and viability issues.
3. The stated grounds of objection concerning an increase in traffic, loss of light and overlooking were not considered sufficient to lead to reasons to refuse the application as distancing standards with regard to all existing properties are considered sufficient and highways officers have no objections to the proposals.

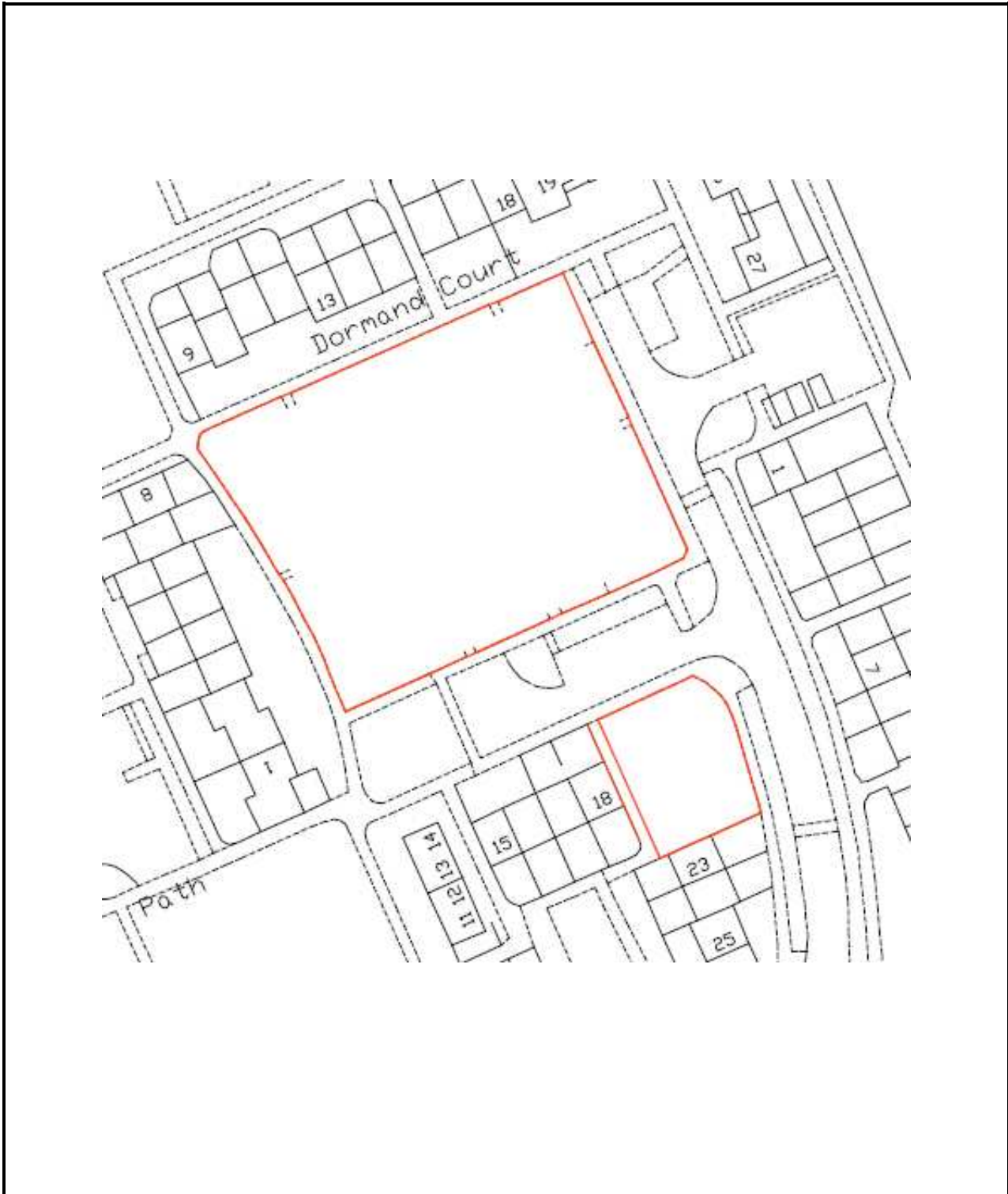
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## BACKGROUND PAPERS

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework

- Consultation Responses



**Planning Services**

**PROPOSED: 22 DWELLINGS at LAND AT  
FORMER DORMAND VILLA FERNDALE  
CLOSE, STATION TOWN, TS28 5HL  
PL/5/2012/0292**

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**Comments**

**Date** November 2011

**Scale**





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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00112/FPA & 4/12/00113/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing building, construction of new healthcare building, relocation of existing modular building and greenhouse (planning and listed building consent).
<b>NAME OF APPLICANT:</b>	Ministry of Justice, 102 Petty France, London, SW1H 9AJ
<b>ADDRESS:</b>	HM Prison Durham, 19B Old Elvet, Durham, DH1 3HU
<b>ELECTORAL DIVISION:</b>	Elvet
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, 03000 262 515, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site:

1. HM Prison Durham is located within eastern part of the Durham (City Centre) Conservation Area bounded by New Elvet to the west, Old Elvet to the north, Whinney Hill to the east and The Hallgarth to the south. The large prison complex comprises of a mix of buildings which vary in scale, age, style and use set behind the high prison walls. The main prisoner accommodation wings on the site are linked together around a central exercise yard.
2. A, C and D wings are Grade II Listed accommodation blocks constructed some time before 1852. They are described within the Historic Environment Record as being of coursed squared sandstone with ashlar dressings, welsh slate roof with stone gables. B and E wings although not listed and later additions, are physically attached to the listed parts and are of a similar scale and architecture. Also within the prison walls is the Private Chapel, Grade II Listed, sited immediately to the east of C Wing.
3. The building proposed for demolition was constructed in the early 1900's, this building is not listed and lies adjacent to the main gatehouse; it is of Victorian age and character and is a building considered to be of some historic interest.

### Proposal:

4. This application seeks both planning and listed building consent for the demolition of the existing Healthcare Building (J Wing) and the construction of a replacement building for the same use at Her Majesties Prison, Old Elvet, Durham City. Smaller scaled works involve internal alterations within C Wing in association with its temporary use for healthcare functions during construction of the new building and the relocation of a modular building and greenhouse.

5. HMP Durham receives highly complex prisoners with wide ranging medical needs. Many prisoners have substance misuse and mental health problems. It is imperative therefore that the facilities meet the needs of the offenders as for some, HMP Durham is their default prison due to their age, offence or length of sentence. It may therefore be difficult to relocate these prisoners to a different prison with better healthcare provisions should the need arise.
6. The existing healthcare building was built in the early 1900s and was extended during the 1950's, and whilst it may have been fit for purpose during the time of its original construction and subsequent extension, the fabric, layout and design of the building no longer meets the needs of an NHS equivalent health care facility. The objective of this project is to provide HMP Durham with a high quality healthcare provision that would enable the efficient use of healthcare and prison resources.
7. The replacement two-storey healthcare building would be sited on the approximate footprint of the existing healthcare building. It is proposed to construct the new building from stone cladding and a pitched zinc roof, similar to that which is used on the existing main entrance and reception area of the prison. The building would measure approximately 26 metres deep by 29.9 metres long and would have a floor area of 1410 square metres. The majority of the proposed building would be almost completely obscured from public view by the prison walls with only a small section of the new roof being visible from Whinney Hill.
8. The application is being reported to committee as it is a major development.

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## **PLANNING HISTORY**

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9. 07/00607/FPA – Erection of satellite dish, Approved.
10. 10/00878/FPA – Erection of education building & extension to provide healthcare facility, Approved.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal;

13. NPPF Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity,

building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

14. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. NPPF Part 12 – Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

## **REGIONAL PLANNING POLICY**

17. 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.
18. In July 2010 the Local Government Secretary signalled 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.
19. 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.
20. Policy 2 (Sustainable Development) states that proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
21. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
22. Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
23. Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.

## LOCAL PLAN POLICY:

24. Policy C2 (Health Centres, Surgeries and Clinics) seeks to ensure that development accords with criteria of accessibility and standards of amenity.
25. Policy C8 (Community Facilities – Provision of New) states that planning permission will be granted for community facilities such as community centres where, amongst other things, they are within existing settlement boundaries and are well-related to residential areas, are capable of serving a number of uses, and would not adversely affect residential amenity.
26. 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.
27. 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.
28. Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
29. 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.
30. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
31. 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.
32. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.
33. 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.

34. 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.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. Parish Council – no response
36. Northumbrian Water – no objections

### **INTERNAL CONSULTEE RESPONSES:**

37. Design and Conservation Officers - no objections. Satisfied that the applicant has justified the demolition of the existing building.
38. Environmental Health – no objections subject to a condition limiting construction hours in order to protect the amenity of nearby residents.
39. Archaeology Officer – no objections subject to a programme of archaeological work and appropriate recording.
40. Ecology – no objections subject to the development being carried out in accordance with mitigation, including habitat creation.

### **PUBLIC RESPONSES:**

41. The application has been advertised by way of a press notice, site notice and letters to surrounding residents. No responses have been received as a result of this consultation.

### **APPLICANTS STATEMENT:**

#### **Origins of the project**

39. Due to the unfit for purpose issues, in respect of changes in floor level and the internal layout of J Wing, the existing Healthcare building, together with the backlog of essential maintenance, requiring replacing the roof, rainwater pipes, gutters, windows, heating system, windows and doors and dealing with the damp walls, there is an urgent requirement for an upgrade in the Healthcare facilities at HMP Durham.
40. The existing Healthcare Centre in J Wing, which is a 19 bed 3 type facility with 24 hour healthcare provision, was built in 1900 (and extended in the 1950's), is located to the south east of the site adjacent to the Workshop/Works Department complex.
41. HMP Durham is currently not providing fit for purpose accommodation for the healthcare of prisoners in its custody. While the work done in the building is rightly praised, it is being hampered by the fabric of the building. This has been highlighted

in a number of areas, by the Independent Monitoring Board (IMB) in reports to the Prisons Minister over the last three years. Her Majesty's Chief Inspectorate of Prisons (HMCIP) has also raised this as an issue in its reports. The safety of the building has been questioned with fire reports classing the building as unsafe for evacuation.

42. More recently, The Needs Analysis for Health Provision, 2013 has commented that the waiting room in the current building is not sufficient, with the poor state and size of the area being a barrier to prisoners accessing the services. Furthermore, it has been identified that the design of the current building as a whole is a barrier to providing excellence of care. During recent years, the trend has been to increase the number of consultations carried out within prison healthcare facilities, thus reducing the requirement to escort prisoners to outside hospitals. The current facility at HMP Durham is not designed for this purpose and the space available is not sufficient to accommodate the quantity of consultation space required.
43. The existing building is in poor condition with a maintenance backlog to the sum of circa £ 3m. There is a significant issue with damp within the building, and there is a need to replace the roof, rainwater pipes, heating system, windows, grilles, ceilings, doors and guttering.
44. The damp problem in particular is an anxiety to the NEOHCU who have concerns relating to infection control and the presence of potentially harmful spores within treatment areas of vulnerable prisoners. If this situation is ongoing then there will be immense pressure put on to the NEOHCU to de-commission various areas of the existing building resulting in an increase in escort charges etc as patients will have to be relocated for treatment in other prison establishments or external hospitals.
45. The age and poor state of the fabric of the building cause the labour costs of maintenance to be in excess of £ 120,000 per year in planned and reactive maintenance alone. Due to delays in the availability of funding to provide improved facilities for the Healthcare provision within HMP Durham, the required maintenance to the existing building has been placed on hold as fresh Business Cases have been submitted.

### **The Recommendation**

46. The recommendation is to demolish the existing building and provide a new Healthcare Centre within the footprint of J Wing.
47. By demolishing the existing, inadequate and poor quality building in lieu of a new, purpose built facility within the existing footprint of J Wing. This would meet the Prisons Primary and Day Care needs and the requirement for a six bed in-patient facility, a figure identified by the Prison/local Primary Care Trust as being optimum for needs of HMP Durham's current and future population.
48. The new Healthcare Centre would provide a modern primary care model similar in scope and standard to that found in the general community which would allow clinicians to deliver care services equivalent to the NHS standard addressing criticisms in standards of accommodation identified in the HMCIP and IMB reports on HMP Durham. It would utilise the footprint of an existing building, improving the overall utilisation and efficiency of the estate whilst addressing all essential maintenance on J Wing. The Healthcare Centre would remain located in a quiet zone of the prison.



49. The new facility will provide a significant improvement in the provision and delivery of primary and mental health care at HMP Durham, and will mean that staff and prisoners will have access to the same range and quality of services as the general public receives from the NHS.

### **Benefits**

50. This option would fully address the essential maintenance requirements on J Wing together with conforming to the SPDU Strategic Case in relation to fitting in with Department/business needs and priorities.
51. It would provide a new purpose build healthcare facility that addresses the previous criticisms made by HMCIP and IMB reports.
52. The new facility will provide a significant improvement in the provision and delivery of primary and mental health care at HMP Durham, and will mean that staff and prisoners will have access to the same range and quality of services as the general public receives from the NHS.

### **Consequences of not proceeding**

53. The following are consequences of not proceeding:
- Increasing maintenance costs due to the ongoing deterioration of the building fabric and deterioration of installed plant and equipment/systems.
  - Potential affect upon the capacity of the existing facility if areas of the become uninhabitable, together with a 'knock on' effect to the capacity available to the establishment if emergency decanting is required.
  - Potential for in-patient care to have to be out-sourced to other local prisons or external healthcare facilities which in itself has a cost and security implication.
  - The users of the existing facility will be forced to continue to provide inadequate healthcare facilities contrary to the requirements of IMB, the NEAO, the NHS, the NEOHCU and the Establishment.

*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\\_detailview.aspx?caseno=LYPIIABN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LYPIIABN5B000)*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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54. 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 with regard to planning policies, the scale, layout and design of the development and its impact upon the conservation area and adjacent listed buildings, archaeology and ecology issues.

### **Principle of the development**

55. It is considered that the proposed development, which is within the grounds of the existing prison, is acceptable in principle and accords with the relevant planning policies. HMP Durham is a well-established prison facility and is considered to be an essential part of the regions infrastructure. The prison seeks to replace an outdated

health facility, with an improved modern facility which would be located on the same footprint as the one it would replace.

56. In terms of national policy, a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. There are three dimensions to sustainable development which are economic, social and environmental. It is considered that the provision of this essential infrastructure within Durham City which would be of benefit to the wider community, and which would protect both the natural and historic environment, would be in accordance with the general aims of the NPPF in terms of sustainable development.
57. More specifically, saved Policy C2 of the City of Durham Local Plan states that planning permission will be granted for the development of health centres and other clinics within settlement boundaries provided that they are well related to residential areas, would have no adverse impact on the amenity of residents and allows access for those with disabilities. Although this proposal is not a public facility, it is considered that the proposal is in accordance with the aims of this policy as it would provide improved healthcare to the inmates of the prison, would have very little impact on nearby residents as the building is located behind prison walls, and would provide an improved and accessible facility for inmates with particular benefit for those with disabilities.
58. In addition to this, saved Local Plan Policies Q1 and Q2 state that the layout and design of all new development should take into account the requirements of all users. The proposals are considered to accord with these policies.

#### **Scale, design and layout and impact on the Listed Building and Conservation Area**

59. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In addition, Saved Local Plan Policies E6, E21 and E22 all require the character of conservation areas to be preserved or enhanced. Policy E6 is particularly relevant to this application as it relates to the Durham City Centre Conservation Area. It 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.
60. In addition to the above Local Plan Policies, saved Policy E23 seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
61. The saved Local Plan policies are considered to reflect the aims of both RSS policy 8 and the NPPF part 12, both of which seek to protect heritage assets.
62. It is considered that the proposed replacement healthcare building is rather bland in terms of its design and features a high ratio of solid walls to window openings, however it is appreciated that the design is based around security needs and functionality and so there is very little scope for amendments in this regard.

63. Although the proposed building would be in close proximity to listed buildings, given the nature of the site, the variety of surrounding buildings and high security enclosures it is considered that the new building would cause no detrimental harm to the setting of listed buildings.
64. The proposed building is contained within the prison complex and screened from public view by the high security walls and other buildings, therefore it is considered that the proposal would have no adverse visual impact, and would preserve the character and appearance of the Durham City Conservation area.
65. In relation to the proposed alterations to C wing; these are considered to be acceptable as the works are minimal, involving the installation of wash basins, seating areas and window blinds etc. These works would be for a temporary period only and would be removed and made good when the new facility was brought into use. There would be no need to require a condition to ensure these works are removed after the temporary period due to their minor nature.
66. In light of the above it is considered that the proposals are acceptable in terms of scale, design and appearance and the impact on the adjacent Listed Buildings and Durham City Conservation Area, in accordance with the above mentioned policies which seek to preserve or enhance heritage assets.

### **Archaeology issues**

67. A small amount of archaeological work has previously taken place at the prison as a result of previous improvement works. This work did not suggest that any settlement was located on the site, rather that the site was in agricultural use before the prison was built. As a result, and given that the footprint of the new building is almost the same as the existing building, it is considered that the potential for disturbing former settlement evidence is negligible.
68. One concern raised at an earlier date was the potential to disturb burials of prisoners who had been hanged at the prison. To this end the applicant has supplied details of the locations of known burials. It is believed that the potential to disturb unrecorded burials is low, although as a precaution, the groundworks associated with the new building should be monitored by an archaeologist and this should be ensured by a planning condition. The results of the monitoring should be deposited at the County Durham Historic Environment Record.

### **Ecology**

69. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats) Regulations 2010, 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 a European Protected Species (EPS). For development activities this license 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
70. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning

Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

71. Given the age of the building there is always a possibility of nesting bats, which are a protected species being disturbed by the proposed development. The applicant has therefore submitted a bat risk survey which has been assessed by the Council's ecology officers. The survey has found that there are no protected species in present in the building. Given this, there is no requirement to obtain a license from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation (Natural Habitats) Regulations 1994.
72. Notwithstanding the above, a condition will be required which would ensure care is taken during demolition in accordance with the recommendations in the submitted bat risk survey. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy E16 of the Local Plan and part 11 of the NPPF.

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## **CONCLUSION**

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73. As stated above, the principle of providing an improved healthcare building within the existing prison site is acceptable and accords with the relevant planning policies. The proposed development would enable the prison to upgrade their existing healthcare provision which has become out of date and unfit for purpose.
74. Given the location of the new building which would be behind the prison walls, any views of it from public areas would be very minimal and therefore there would be little or no impacts on nearby residents. There would be no adverse impacts on the City Centre Conservation Area would be preserved. Additionally, given that the building is in the same location as the one it would replace, and that materials can be carefully considered when discharging conditions, it is not considered that the proposal would have any adverse impacts on the setting of listed buildings within the prison complex.

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## **RECOMMENDATION**

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That the planning application (ref: 08/00196/RM) be **APPROVED** subject to the following conditions/reasons:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References;

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the amenity of the area in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

3. On site operations shall not commence before 0800 hours and shall cease at or before 1800 hours Monday to Friday inclusive (excluding Bank Holidays). On site operations shall not commence before 0830 hours and shall cease at or before 1400 hours on Saturdays. No on site operations shall be carried out on Sundays.

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

4. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
  - i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii) Post-fieldwork methodologies for assessment and analyses.
  - iv) Methodologies for a programme of building record, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
  - v) Report content and arrangements for dissemination, and publication proposals.
  - vi) Archive preparation and deposition with recognised repositories.
  - vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

5. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of NPPF by making the information generated publically accessible.

6. No development shall take place unless in accordance with the mitigation detailed within sections 4, 5 and 6 of Appendix C of the 'Bat Survey, HMP Durham, Kier Construction, version 3' written by Total Ecology and dated October 2012. All habitat enhancement measures shall be carried out in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, implemented prior to occupation.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

That the listed building consent (ref: 4/12/00113/LB) be **APPROVED** subject to the following conditions/reasons:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References;

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the amenity of the area in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

3. On site operations shall not commence before 0800 hours and shall cease at or before 1800 hours Monday to Friday inclusive (excluding Bank Holidays). On site operations shall not commence before 0830 hours and shall cease at or before 1400 hours on Saturdays. No on site operations shall be carried out on Sundays.

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

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii) Post-fieldwork methodologies for assessment and analyses.
  - iv) Methodologies for a programme of building record, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
  - v) Report content and arrangements for dissemination, and publication proposals.
  - vi) Archive preparation and deposition with recognised repositories.
  - vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

5. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of NPPF by making the information generated publically accessible.

6. No development shall take place unless in accordance with the mitigation detailed within sections 4, 5 and 6 of Appendix C of the 'Bat Survey, HMP Durham, Kier Construction, version 3' written by Total Ecology and dated October 2012. All habitat enhancement measures shall be carried out in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, implemented prior to occupation.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

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## **REASONS FOR THE RECOMMENDATION**

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The development was considered acceptable having regard to the following development plan policies:

NPPF Part 1, NPPF Part 7, NPPF 8, NPPF Part 11, NPPF Part 12

The North East of England Plan - Regional Spatial Strategy Policy 1, Policy 2, Policy 3, Policy 4, Policy 8

City of Durham Local Plan Policy C2, Policy C8, Policy E6, Policy E16, Policy E21, Policy E22, Policy E23, Policy H13, Policy Q1, Policy Q2, Policy Q8, Policy U8a

In particular the development was considered acceptable having regard to consideration of issues of the principle of development, the relevant planning policies, the scale, layout and design of the development and its impact upon the conservation area and adjacent listed buildings.

The objections were received as a result of the consultation process.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City Of Durham Local Plan

Consultee Responses



**Planning Services**

Demolition of existing building, construction of new healthcare building, relocation of existing modular building and greenhouse.

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**Comments**

**Date** November 2012

**Scale**